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# NEW YORK STATE **REGISTER**

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**Notice of Availability of State and Federal Funds**

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State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 45 days following publication in the *Register* of a Notice of Proposed Rule Making, or a Notice of Emergency Adoption and Proposed Rule Making; and for 30 days after publication of a Notice of Revised Rule Making, or a Notice of Emergency Adoption and Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 45 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

***For notices published in this issue:***

- the 45-day period expires on April 29, 2017
- the 30-day period expires on April 14, 2017

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# NEW YORK STATE REGISTER

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## Be a part of the rule making process!

The public is encouraged to comment on any of the proposed rules appearing in this issue. Comments must be made in writing and must be submitted to the agency that is proposing the rule. Address your comments to the agency representative whose name and address are printed in the notice of rule making. No special form is required; a handwritten letter will do. Individuals who access the online *Register* ([www.dos.ny.gov](http://www.dos.ny.gov)) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

To be considered, comments should reach the agency before expiration of the public comment period. The law provides for a minimum 45-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making, and a 30-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

When a time frame calculation ends on a Saturday or Sunday, the agency accepts public comment through the following Monday; when calculation ends on a holiday, public comment will be accepted through the following workday. Agencies cannot take action to adopt until the day after expiration of the public comment period.

The Administrative Regulations Review Commission (ARRC) reviews newly proposed regulations to examine issues of compliance with legislative intent, impact on the economy, and impact on affected parties. In addition to sending comments or recommendations to the agency, please do not hesitate to transmit your views to ARRC:

Administrative Regulations Review Commission  
State Capitol  
Albany, NY 12247  
Telephone: (518) 455-5091 or 455-2731

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KEY: (P) Proposal; (RP) Revised Proposal; (E) Emergency; (EP) Emergency and Proposal; (A) Adoption; (AA) Amended Adoption; (W) Withdrawal

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Individuals may send public comment via electronic mail to those recipients who provided an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings. Choose pertinent issue of the *Register* and follow the procedures on the website ([www.dos.ny.gov](http://www.dos.ny.gov))

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AAM      -the abbreviation to identify the adopting agency  
01        -the *State Register* issue number  
96        -the year  
00001    -the Department of State number, assigned upon receipt of notice.  
E         -Emergency Rule Making—permanent action not intended (This character could also be: A for Adoption; P for Proposed Rule Making; RP for Revised Rule Making; EP for a combined Emergency and Proposed Rule Making; EA for an Emergency Rule Making that is permanent and does not expire 90 days after filing.)

Italics contained in text denote new material. Brackets indicate material to be deleted.

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## Office of Children and Family Services

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### NOTICE OF ADOPTION

#### Child Custody and Emergency Proceedings Involving Indian Children in Foster Care and Adoptive Placements

**I.D. No.** CFS-51-16-00007-A

**Filing No.** 150

**Filing Date:** 2017-02-28

**Effective Date:** 2017-03-15

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Amendment of section 431.18 of Title 18 NYCRR.

**Statutory authority:** Social Services Law, sections 20(3)(d), 34(3)(f) and 436

**Subject:** Child custody and emergency proceedings involving Indian children in foster care and adoptive placements.

**Purpose:** To implement Federal standards involving Indian children in foster care and adoptive placements.

**Text or summary was published** in the December 21, 2016 issue of the Register, I.D. No. CFS-51-16-00007-P.

**Final rule as compared with last published rule:** No changes.

**Text of rule and any required statements and analyses may be obtained from:** Public Information Office, New York State Office of Children and Family Services, 52 Washington Street, Rensselaer, New York 12144, (518) 473-7793, email: info@ocfs.ny.gov

#### Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2020, which is no later than the 3rd year after the year in which this rule is being adopted.

#### Assessment of Public Comment

The agency received no public comment.

### NOTICE OF ADOPTION

#### Successor Guardian Payments for Non-Recurring Expenses/ Eligibility of Destitute Children for Kinship Guardianship Assistance

**I.D. No.** CFS-01-17-00024-A

**Filing No.** 151

**Filing Date:** 2017-02-28

**Effective Date:** 2017-03-15

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Amendment of sections 436.2, 436.3 and 436.7 of Title 18 NYCRR.

**Statutory authority:** Social Services Law, sections 20(3)(d), 34(3)(f), 458-b and 458-c

**Subject:** Successor guardian payments for non-recurring expenses/eligibility of destitute children for kinship guardianship assistance.

**Purpose:** To implement provisions of ch. 607 of L. 2011 and part M of ch. 54 of L. 2016 regarding kinship guardianship.

**Text or summary was published** in the January 4, 2017 issue of the Register, I.D. No. CFS-01-17-00024-P.

**Final rule as compared with last published rule:** No changes.

**Text of rule and any required statements and analyses may be obtained from:** Public Information Office, New York State Office of Children and Family Services, 52 Washington Street, Rensselaer, New York 12144, (518) 473-7793, email: info@ocfs.ny.gov

#### Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2020, which is no later than the 3rd year after the year in which this rule is being adopted.

#### Assessment of Public Comment

The agency received no public comment.

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## Department of Economic Development

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### EMERGENCY RULE MAKING

#### Empire Zones Reform

**I.D. No.** EDV-11-17-00004-E

**Filing No.** 146

**Filing Date:** 2017-02-27

**Effective Date:** 2017-02-27

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Amendment of Parts 10 and 11; renumbering and amend-



ment of Parts 12 through 14 to Parts 13, 15 and 16; and addition of new Parts 12 and 14 to Title 5 NYCRR.

**Statutory authority:** General Municipal Law, art. 18-B, section 959; L. 2000, ch. 63; L. 2005, ch. 63; L. 2009, ch. 57

**Finding of necessity for emergency rule:** Preservation of general welfare.

**Specific reasons underlying the finding of necessity:** Regulatory action is needed immediately to implement the statutory changes contained in Chapter 57 of the Laws of 2009. The emergency rule also clarifies the administrative procedures of the program, improves efficiency and helps make it more cost-effective and accountable to the State's taxpayers, particularly in light of New York's current fiscal climate. It bears noting that General Municipal Law section 959(a), as amended by Chapter 57 of the Laws of 2009, expressly authorizes the Commissioner of Economic Development to adopt emergency regulations to govern the program.

**Subject:** Empire Zones reform.

**Purpose:** Allow Department to continue implementing Zones reforms and adopt changes that would enhance program's strategic focus.

**Substance of emergency rule:** The emergency rule is the result of changes to Article 18-B of the General Municipal Law pursuant to Chapter 63 of the Laws of 2000, Chapter 63 of the Laws of 2005, and Chapter 57 of the Laws of 2009. These laws, which authorize the empire zones program, were changed to make the program more effective and less costly through higher standards for entry into the program and for continued eligibility to remain in the program. Existing regulations fail to address these requirements and the existing regulations contain several outdated references. The emergency rule will correct these items.

The rule contained in 5 NYCRR Parts 10 through 14 (now Parts 10-16 as amended), which governs the empire zones program, is amended as follows:

1. The emergency rule, tracking the requirements of Chapter 63 of the Laws of 2005, requires placement of zone acreage into "distinct and separate contiguous areas."

2. The emergency rule updates several outdated references, including: the name change of the program from Economic Development Zones to Empire Zones, the replacement of Standard Industrial Codes with the North American Industrial Codes, the renaming of census-tract zones as investment zones, the renaming of county-created zones as development zones, and the replacement of the Job Training Partnership Act (and private industry councils) with the Workforce Investment Act (and local workforce investment boards).

3. The emergency rule adds the statutory definition of "cost-benefit analysis" and provides for its use and applicability.

4. The emergency rule also adds several other definitions (such as applicant municipality, chief executive, concurring municipality, empire zone capital tax credits or zone capital tax credits, clean energy research and development enterprise, change of ownership, benefit-cost ratio, capital investments, single business enterprise and regionally significant project) and conforms several existing regulatory definitions to statutory definitions, including zone equivalent areas, women-owned business enterprise, minority-owned business enterprise, qualified investment project, zone development plans, and significant capital investment projects. The emergency rule also clarifies regionally significant project eligibility. Additionally, the emergency rule makes reference to the following tax credits and exemptions: the Qualified Empire Zone Enterprise ("QEZE") Real Property Tax Credit, QEZE Tax Reduction Credit, and the QEZE Sales and Use Tax Exemption. The emergency rule also reflects the eligibility of agricultural cooperatives for Empire Zone tax credits and the QEZE Real Property Tax Credit.

5. The emergency rule requires additional statements to be included in an application for empire zone designation, including (i) a statement from the applicant and local economic development entities pertaining to the integration and cooperation of resources and services for the purpose of providing support for the zone administrator, and (ii) a statement from the applicant that there is no viable alternative area available that has existing public sewer or water infrastructure other than the proposed zone.

6. The emergency rule amends the existing rule in a manner that allows for the designation of nearby lands in investment zones to exceed 320 acres, upon the determination by the Department of Economic Development that certain conditions have been satisfied.

7. The emergency rule provides a description of the elements to be included in a zone development plan and requires that the plan be resubmitted by the local zone administrative board as economic conditions change within the zone. Changes to the zone development plan must be approved by the Commissioner of Economic Development ("the Commissioner"). Also, the rule adds additional situations under which a business enterprise may be granted a shift resolution.

8. The emergency rule grants discretion to the Commissioner to determine the contents of an empire zone application form.

9. The emergency rule tracks the amended statute's deletion of the cate-

gory of contributions to a qualified Empire Zone Capital Corporation from those businesses eligible for the Zone Capital Credit.

10. The emergency rule reflects statutory changes to the process to revise a zone's boundaries. The primary effect of this is to limit the number of boundary revisions to one per year.

11. The emergency rule describes the amended certification and decertification processes. The authority to certify and decertify now rests solely with the Commissioner with reduced roles for the Department of Labor and the local zone. Local zone boards must recommend projects to the State for approval. The labor commissioner must determine whether an applicant firm has been engaged in substantial violations, or pattern of violations of laws regulating unemployment insurance, workers' compensation, public work, child labor, employment of minorities and women, safety and health, or other laws for the protection of workers as determined by final judgment of a judicial or administrative proceeding. If such applicant firm has been found in a criminal proceeding to have committed any such violations, the Commissioner may not certify that firm.

12. The emergency rule describes new eligibility standards for certification. The new factors which may be considered by the Commissioner when deciding whether to certify a firm is (i) whether a non-manufacturing applicant firm projects a benefit-cost ratio of at least 20:1 for the first three years of certification, (ii) whether a manufacturing applicant firm projects a benefit-cost ratio of at least 10:1 for the first three years of certification, and (iii) whether the business enterprise conforms with the zone development plan.

13. The emergency rule adds the following new justifications for decertification of firms: (a) the business enterprise, that has submitted at least three years of business annual reports, has failed to provide economic returns to the State in the form of total remuneration to its employees (i.e. wages and benefits) and investments in its facility greater in value to the tax benefits the business enterprise used and had refunded to it; (b) the business enterprise, if first certified prior to August 1, 2002, caused individuals to transfer from existing employment with another business enterprise with similar ownership and located in New York state to similar employment with the certified business enterprise or if the enterprise acquired, purchased, leased, or had transferred to it real property previously owned by an entity with similar ownership, regardless of form of incorporation or organization; (c) change of ownership or moving out of the Zone, (d) failure to pay wages and benefits or make capital investments as represented on the firm's application, (e) the business enterprise makes a material misrepresentation of fact in any of its business annual reports, and (f) the business enterprise fails to invest in its facility substantially in accordance with the representations contained in its application. In addition, the regulations track the statute in permitting the decertification of a business enterprise if it failed to create new employment or prevent a loss of employment in the zone or zone equivalent area, and deletes the condition that such failure was not due to economic circumstances or conditions which such business could not anticipate or which were beyond its control. The emergency rule provides that the Commissioner shall revoke the certification of a firm if the firm fails the standard set forth in (a) above, or if the Commissioner makes the finding in (b) above, unless the Commissioner determines in his or her discretion, after consultation with the Director of the Budget, that other economic, social and environmental factors warrant continued certification of the firm. The emergency rule further provides for a process to appeal revocations of certifications based on (a) or (b) above to the Empire Zones Designation Board. The emergency rule also provides that the Commissioner may revoke the certification of a firm upon a finding of any one of the other criteria for revocation of certification set forth in the rule.

14. The emergency rule adds a new Part 12 implementing record-keeping requirements. Any firm choosing to participate in the empire zones program must maintain and have available, for a period of six years, all information related to the application and business annual reports.

15. The emergency rule clarifies the statutory requirement from Chapter 63 of the Laws of 2005 that development zones (formerly county zones) create up to three areas within their reconfigured zones as investment (formerly census tract) zones. The rule would require that 75% of the acreage used to define these investment zones be included within an eligible or contiguous census tract. Furthermore, the rule would not require a development zone to place investment zone acreage within a municipality in that county if that particular municipality already contained an investment zone, and the only eligible census tracts were contained within that municipality.

16. The emergency rule tracks the statutory requirements that zones reconfigure their existing acreage in up to three (for investment zones) or six (for development zones) distinct and separate contiguous areas, and that zones can allocate up to their total allotted acreage at the time of designation. These reconfigured zones must be presented to the Empire Zones Designation Board for unanimous approval. The emergency rule makes clear that zones may not necessarily designate all of their acreage



into three or six areas or use all of their allotted acreage; the rule removes the requirement that any subsequent additions after their official redesignation by the Designation Board will still require unanimous approval by that Board.

17. The emergency rule clarifies the statutory requirement that certain defined "regionally significant" projects can be located outside of the distinct and separate contiguous areas. There are four categories of projects: (i) a manufacturer projecting the creation of fifty or more net new jobs in the State of New York; (ii) an agri-business or high tech or biotech business making a capital investment of ten million dollars and creating twenty or more net new jobs in the State of New York; (iii) a financial or insurance services or distribution center creating three hundred or more net new jobs in the State of New York; and (iv) a clean energy research and development enterprise. Other projects may be considered by the empire zone designation board. Only one category of projects, manufacturers projecting the creation of 50 or more net new jobs, are allowed to progress before the identification of the distinct and separate contiguous areas and/or the approval of certain regulations by the Empire Zones Designation Board. Regionally significant projects that fall within the four categories listed above must be projects that are exporting 60% of their goods or services outside the region and export a substantial amount of goods or services beyond the State.

18. The emergency rule clarifies the status of community development projects as a result of the statutory reconfiguration of the zones.

19. The emergency rule clarifies the provisions under Chapter 63 of the Laws of 2005 that allow for zone-certified businesses which will be located outside of the distinct and separate contiguous areas to receive zone benefits until decertified. The area which will be "grandfathered" shall be limited to the expansion of the certified business within the parcel or portion thereof that was originally located in the zone before redesignation. Each zone must identify any such business by December 30, 2005.

20. The emergency rule elaborates on the "demonstration of need" requirement mentioned in Chapter 63 of the Laws of 2005 for the addition (for both investment and development zones) of an additional distinct and separate contiguous area. A zone can demonstrate the need for a fourth or, as the case may be, a seventh distinct and separate contiguous area if (1) there is insufficient existing or planned infrastructure within the three (or six) distinct and separate contiguous areas to (a) accommodate business development and there are other areas of the applicant municipality that can be characterized as economically distressed and/or (b) accommodate development of strategic businesses as defined in the local development plan, or (2) placing all acreage in the other three or six distinct and separate contiguous areas would be inconsistent with open space and wetland protection, or (3) there are insufficient lands available for further business development within the other distinct and separate contiguous areas.

The full text of the emergency rule is available at [www.empire.state.ny.us](http://www.empire.state.ny.us)

**This notice is intended** to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires May 27, 2017.

**Text of rule and any required statements and analyses may be obtained from:** Thomas P Regan, NYS Department of Economic Development, 625 Broadway, Albany, NY 12245, (518) 292-5123, email: [tregan@esd.ny.gov](mailto:tregan@esd.ny.gov)

#### **Regulatory Impact Statement**

##### **STATUTORY AUTHORITY:**

Section 959(a) of the General Municipal Law authorizes the Commissioner of Economic Development to adopt on an emergency basis rules and regulations governing the criteria of eligibility for empire zone designation, the application process, the certification of a business enterprises as to eligibility of benefits under the program and the decertification of a business enterprise so as to revoke the certification of business enterprises for benefits under the program.

##### **LEGISLATIVE OBJECTIVES:**

The rulemaking accords with the public policy objectives the Legislature sought to advance because the majority of such revisions are in direct response to statutory amendments and the remaining revisions either conform the regulations to existing statute or clarify administrative procedures of the program. These amendments further the Legislative goals and objectives of the Empire Zones program, particularly as they relate to regionally significant projects, the cost-benefit analysis, and the process for certification and decertification of business enterprises. The proposed amendments to the rule will facilitate the administration of this program in a more efficient, effective, and accountable manner.

##### **NEEDS AND BENEFITS:**

The emergency rule is required in order to implement the statutory changes contained in Chapter 57 of the Laws of 2009. The emergency rule also clarifies the administrative procedures of the program, improves efficiency and helps make it more cost-effective and accountable to the State's taxpayers, particularly in light of New York's current fiscal climate.

##### **COSTS:**

A. Costs to private regulated parties: None. There are no regulated parties in the Empire Zones program, only voluntary participants.

B. Costs to the agency, the state, and local governments: There will be additional costs to the Department of Economic Development associated with the emergency rule making. These costs pertain to the addition of personnel that may need to be hired to implement the Empire Zones program reforms. There may be savings for the Department of Labor associated with the streamlining of the State's administration and concentration of authority within the Department of Economic Development. There is no additional cost to local governments.

C. Costs to the State government: None. There will be no additional costs to New York State as a result of the emergency rule making.

##### **LOCAL GOVERNMENT MANDATES:**

None. Local governments are not mandated to participate in the Empire Zones program. If a local government chooses to participate, there is a cost associated with local administration that local government officials agreed to bear at the time of application for designation as an Empire Zone. One of the requirements for designation was a commitment to local administration and an identification of local resources that would be dedicated to local administration.

This emergency rule does not impose any additional costs to the local governments for administration of the Empire Zones program.

##### **PAPERWORK:**

The emergency rule imposes new record-keeping requirements on businesses choosing to participate in the Empire Zones program. The emergency rule requires all businesses that participate in the program to establish and maintain complete and accurate books relating to their participation in the Empire Zones program for a period of six years.

##### **DUPLICATION:**

The emergency rule conforms to provisions of Article 18-B of the General Municipal Law and does not otherwise duplicate any state or federal statutes or regulations.

##### **ALTERNATIVES:**

No alternatives were considered with regard to amending the regulations in response to statutory revisions.

##### **FEDERAL STANDARDS:**

There are no federal standards in regard to the Empire Zones program. Therefore, the emergency rule does not exceed any Federal standard.

##### **COMPLIANCE SCHEDULE:**

The period of time the state needs to assure compliance is negligible, and the Department of Economic Development expects to be compliant immediately.

#### **Regulatory Flexibility Analysis**

##### **1. Effect of rule**

The emergency rule imposes new record-keeping requirements on small businesses and large businesses choosing to participate in the Empire Zones program. The emergency rule requires all businesses that participate in the program to establish and maintain complete and accurate books relating to their participation in the Empire Zones program for a period of six years. Local governments are unaffected by this rule.

##### **2. Compliance requirements**

Each small business and large business choosing to participate in the Empire Zones program must establish and maintain complete and accurate books, records, documents, accounts, and other evidence relating to such business's application for entry into the Empire Zone program and relating to existing annual reporting requirements. Local governments are unaffected by this rule.

##### **3. Professional services**

No professional services are likely to be needed by small and large businesses in order to establish and maintain the required records. Local governments are unaffected by this rule.

##### **4. Compliance costs**

No initial capital costs are likely to be incurred by small and large businesses choosing to participate in the Empire Zones program. Annual compliance costs are estimated to be negligible for both small and larger businesses. Local governments are unaffected by this rule.

##### **5. Economic and technological feasibility**

The Department of Economic Development ("DED") estimates that complying with this record-keeping is both economically and technologically feasible. Local governments are unaffected by this rule.

##### **6. Minimizing adverse impact**

DED finds no adverse economic impact on small or large businesses with respect to this rule. Local governments are unaffected by this rule.

##### **7. Small business and local government participation**

DED is in full compliance with SAPA Section 202-b(6), which ensures that small businesses and local governments have an opportunity to participate in the rule-making process. DED has conducted outreach within the small and large business communities and maintains continuous contact with small businesses and large businesses with regard to their participation in this program. Local governments are unaffected by this rule.

**Rural Area Flexibility Analysis**

The Empire Zones program is a statewide program. Although there are municipalities and businesses in rural areas of New York State that are eligible to participate in the program, participation by the municipalities and businesses is entirely at their discretion. The emergency rule imposes no additional reporting, record keeping or other compliance requirements on public or private entities in rural areas. Therefore, the emergency rule will not have a substantial adverse economic impact on rural areas or reporting, record keeping or other compliance requirements on public or private entities in such rural areas. Accordingly, a rural area flexibility analysis is not required and one has not been prepared.

**Job Impact Statement**

The emergency rule relates to the Empire Zones program. The Empire Zones program itself is a job creation incentive, and will not have a substantial adverse impact on jobs and employment opportunities. In fact, the emergency rule, which is being promulgated as a result of statutory reforms, will enable the program to continue to fulfill its mission of job creation and investment for economically distressed areas. Because it is evident from its nature that this emergency rule will have either no impact or a positive impact on job and employment opportunities, no further affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

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## Department of Financial Services

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### EMERGENCY RULE MAKING

#### Assessment of Entities Regulated by the Banking Division of the Department of Financial Services

**I.D. No.** DFS-11-17-00001-E

**Filing No.** 130

**Filing Date:** 2017-02-23

**Effective Date:** 2017-02-27

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Addition of Part 501 to Title 3 NYCRR.

**Statutory authority:** Banking Law, section 17; Financial Services Law, section 206

**Finding of necessity for emergency rule:** Preservation of general welfare.

**Specific reasons underlying the finding of necessity:** Pursuant to the Financial Services Law ("FSL"), the New York State Banking Department ("Banking Department") and the New York State Insurance Department were consolidated, effective October 3, 2011, into the Department of Financial Services ("Department").

Prior to the consolidation, assessments of institutions subject to the Banking Law ("BL") were governed by Section 17 of the BL; effective on October 3, 2011, assessments are governed by Section 206 of the Financial Services Law, provided that Section 17 continues to apply to assessments for the fiscal year which commenced April 1, 2011.

Both Section 17 of the Banking Law and Section 206 of the Financial Services Law provide that all expenses (compensation, lease costs and other overhead) of the Department in connection with the regulation and supervision (including examination) of any person or entity licensed, registered, incorporated or otherwise formed pursuant to the BL are to be charged to, and paid by, the regulated institutions subject to the supervision of in the Banking Division of the Department (the "Banking Division"). Under both statutes, the Superintendent is authorized to assess regulated institutions in the Banking Division in such proportions as the Superintendent shall deem just and reasonable.

Litigation commenced in June, 2011 challenged the methodology used by the Banking Department to assess mortgage bankers. On May 3, 2012, the Appellate Division invalidated this methodology for the 2010 State Fiscal Year, finding that the former Banking Department had not followed the requirements of the State Administrative Procedures Act.

In response to this ruling, the Department has determined to adopt this new rule setting forth the assessment methodology applicable to all entities regulated by the Banking Division for fiscal years beginning with fiscal year 2011.

The emergency adoption of this regulation is necessary to implement the requirements of Section 17 of the Banking Law and Section 206 of the Financial Services Law in light of the determination of the Court and the ongoing need to fund the operations of the Department without interruption.

**Subject:** Assessment of entities regulated by the Banking Division of the Department of Financial Services.

**Purpose:** New Part 501 implements Section 17 of the Banking Law and Section 206 of the Financial Services Law and sets forth the basis for allocating all costs and expenses attributable to the operation of the Banking Division of the Department of Financial Services among and between any person or entity licensed, registered, incorporated or otherwise formed pursuant to the Banking Law.

**Text of emergency rule: Part 501**

**(BANKING DIVISION ASSESSMENTS)**

**§ 501.1 Background.**

Pursuant to the Financial Services Law ("FSL"), the New York State Banking Department ("Banking Department") and the New York State Insurance Department were consolidated on October 3, 2011 into the Department of Financial Services ("Department").

Prior to the consolidation, assessments of institutions subject to the Banking Law ("BL") were governed by Section 17 of the BL. Effective October 3, 2011, assessments are governed by Section 206 of the FSL, provided that Section 17 of the BL continues to apply to assessments for the fiscal year commencing on April 1, 2011.

Both Section 17 of the BL and Section 206 of the FSL provide that all expenses (including, but not limited to, compensation, lease costs and other overhead costs) of the Department attributable to institutions subject to the BL are to be charged to, and paid by, such regulated institutions. These institutions ("Regulated Entities") are now regulated by the Banking Division of the Department. Under both Section 17 of the BL and Section 206 of the FSL, the Superintendent is authorized to assess Regulated Entities for its total costs in such proportions as the Superintendent shall deem just and reasonable.

The Banking Department has historically funded itself entirely from industry assessments of Regulated Entities. These assessments have covered all direct and indirect expenses of the Banking Department, which are activities that relate to the conduct of banking business and the regulatory concerns of the Department, including all salary expenses, fringe benefits, rental and other office expenses and all miscellaneous and overhead costs such as human resource operations, legal and technology costs.

This regulation sets forth the basis for allocating such expenses among Regulated Entities and the process for making such assessments.

**§ 501.2 Definitions.**

The following definitions apply in this Part:

(a) "Total Operating Cost" means for the fiscal year beginning on April 1, 2011, the total direct and indirect costs of operating the Banking Division. For fiscal years beginning on April 1, 2012, "Total Operating Cost" means (1) the sum of the total operating expenses of the Department that are solely attributable to regulated persons under the Banking Law and (2) the proportion deemed just and reasonable by the Superintendent of the other operating expenses of the Department which under Section 206(a) of the Financial Services Law may be assessed against persons regulated under the Banking Law and other persons regulated by the Department.

(b) "Industry Group" means the grouping to which a business entity regulated by the Banking Division is assigned. There are three Industry Groups in the Banking Division:

(1) The Depository Institutions Group, which consists of all banking organizations and foreign banking corporations licensed by the Department to maintain a branch, agency or representative office in this state;

(2) The Mortgage-Related Entities Group, which consists of all mortgage brokers, mortgage bankers and mortgage loan servicers; and

(3) The Licensed Financial Services Providers Group, which consists of all check cashers, budget planners, licensed lenders, sales finance companies, premium finance companies and money transmitters.

(c) "Industry Group Operating Cost" means the amount of the Total Operating Cost to be assessed to a particular Industry Group. The amount is derived from the percentage of the total expenses for salaries and fringe benefits for the examining, specialist and related personnel represented by such costs for the particular Industry Group.

(d) "Industry Group Supervisory Component" means the total of the Supervisory Components for all institutions in that Industry Group.

(e) "Supervisory Component" for an individual institution means the product of the average number of hours attributed to supervisory oversight by examiners and specialists of all institutions of a similar size and type, as determined by the Superintendent, in the applicable Industry Group, or the applicable sub-group, and the average hourly cost of the examiners and specialists assigned to the applicable Industry Group or sub-group.



(f) "Industry Group Regulatory Component" means the Industry Group Operating Cost for that group minus the Industry Group Supervisory Component and certain miscellaneous fees such as application fees.

(g) "Industry Financial Basis" means the measurement tool used to distribute the Industry Group Regulatory Component among individual institutions in an Industry Group.

The Industry Financial Basis used for each Industry Group is as follows:

(1) For the Depository Institutions Group: total assets of all institutions in the group;

(2) For the Mortgage-Related Entities Group: total gross revenues from New York State operations, including servicing and secondary market revenues, for all institutions in the group; and

(3) For the Licensed Financial Services Providers Group: (i.) for budget planners, the number of New York customers; (ii.) for licensed lenders, the dollar amount of New York assets; (iii.) for check cashers, the dollar amount of checks cashed in New York; (iv.) for money transmitters, the dollar value of all New York transactions; (v.) for premium finance companies, the dollar value of loans originated in New York; and (vi.) for sales finance companies, the dollar value of credit extensions in New York.

(h) "Financial Basis" for an individual institution is that institution's portion of the measurement tool used in Section 501.2(g) to develop the Industry Financial Basis. (For example, in the case of the Depository Institutions Group, an entity's Financial Basis would be its total assets.)

(i) "Industry Group Regulatory Rate" means the result of dividing the Industry Group Regulatory Component by the Industry Financial Basis.

(j) "Regulatory Component" for an individual institution is the product of the Financial Basis for the individual institution multiplied by the Industry Group Regulatory Rate for that institution.

#### § 501.3 Billing and Assessment Process.

The New York State fiscal year begins April 1 and ends March 31 of the following calendar year. Each institution subject to assessment pursuant to this Part is billed five times for a fiscal year: four quarterly assessments (each approximately 25% of the anticipated annual amount) based on the Banking Division's estimated annual budget at the time of the billing, and a final assessment (or "true-up"), based on the Banking Division's actual expenses for the fiscal year. Any institution that is a Regulated Entity for any part of a quarter shall be assessed for the full quarter.

#### § 501.4 Computation of Assessment.

The total annual assessment for an institution shall be the sum of its Supervisory Component and its Regulatory Component.

#### § 501.5 Penalties/Enforcement Actions.

All Regulated Entities shall be subject to all applicable penalties, including late fees and interest, provided for by the BL, the FSL, the State Finance Law or other applicable laws. Enforcement actions for nonpayment could include suspension, revocation, termination or other actions.

#### § 501.6 Effective Date.

This Part shall be effective immediately. It shall apply to all State Fiscal Years beginning with the Fiscal Year starting on April 1, 2011.

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire May 23, 2017.

**Text of rule and any required statements and analyses may be obtained from:** Hadas A. Jacobi, Esq., Department of Financial Services, One State Street, New York, NY 10004, (212) 480-5890, email: [hadas.jacobi@dfs.ny.gov](mailto:hadas.jacobi@dfs.ny.gov)

#### Regulatory Impact Statement

##### 1. Statutory Authority

Pursuant to the Financial Services Law ("FSL"), the New York State Banking Department (the "Banking Department") and the New York State Insurance Department were consolidated, effective October 3, 2011, into the Department of Financial Services (the "Department").

Prior to the consolidation, assessments of institutions subject to the Banking Law ("BL") were governed by Section 17 of the BL; effective on October 3, 2011, assessments are governed by Section 206 of the Financial Services Law, provided that Section 17 continues to apply to assessments for the fiscal year which commenced April 1, 2011.

Both Section 17 of the BL and Section 206 of the FSL provide that all expenses (compensation, lease costs and other overhead) of the Department in connection with the regulation and supervision of any person or entity licensed, registered, incorporated or otherwise formed pursuant to the BL are to be charged to, and paid by, the regulated institutions subject to the supervision of the Banking Division of the Department (the "Banking Division"). Under both statutes, the Superintendent is authorized to assess regulated institutions in the Banking Division in such proportions as the Superintendent shall deem just and reasonable.

In response to a court ruling, *In the Matter of Homestead Funding Corporation v. State of New York Banking Department et al.*, 944 N.Y.S. 2d 649 (2012) ("Homestead"), that held that the Department should adopt

changes to its assessment methodology for mortgage bankers through a formal assessment rule pursuant to the requirements of the State Administrative Procedures Act ("SAPA"), the Department has determined to adopt this new regulation setting forth the assessment methodology applicable to all entities regulated by the Banking Division for fiscal years beginning with fiscal year 2011.

##### 2. Legislative Objectives

The BL and the FSL make the industries regulated by the former Banking Department (and now by the Banking Division of the new Department) responsible for all the costs and expenses of their regulation by the State. The assessments have covered all direct and indirect expenses of the Banking Department, which are activities that relate to the conduct of banking business and the regulatory concerns of the Department, including all salary expenses, fringe benefits, rental and other office expenses and all miscellaneous and overhead costs such as human resource operations, legal and technology costs.

This reflects a long-standing State policy that the regulated industries are the appropriate parties to pay for their supervision in light of the financial benefits it provides to them to engage in banking and other regulated businesses in New York. The statute specifically provides that these costs are to be allocated among such institutions in the proportions deemed just and reasonable by the Superintendent.

While this type of allocation had been the practice of the former Banking Department for many decades, Homestead found that a change to the methodology for mortgage bankers to include secondary market and servicing income should be accomplished through formal regulations subject to the SAPA process. Given the nature of the Banking Division's assessment methodology - - the calculation and payment of the assessment is ongoing throughout the year and any period of uncertainty as to the applicable rule would be extremely disruptive - - the Department has determined that it is necessary to adopt the rule on an emergency basis so as to avoid any possibility of disrupting the funding of its operations.

##### 3. Needs and Benefits

The Banking Division regulates more than 250 state chartered banks and licensed foreign bank branches and agencies in New York with total assets of over \$2 trillion. In addition, it regulates a variety of other entities engaged in delivering financial services to the residents of New York State. These entities include: licensed check cashers; licensed money transmitters; sales finance companies; licensed lenders; premium finance companies; budget planners; mortgage bankers and brokers; mortgage loan servicers; and mortgage loan originators.

Collectively, the regulated entities represent a spectrum, from some of the largest financial institutions in the country to the smallest, neighborhood-based financial services providers. Their services are vital to the economic health of New York, and their supervision is critical to ensuring that these services are provided in a fair, economical and safe manner.

This supervision requires that the Banking Division maintain a core of trained examiners, plus facilities and systems. As noted above, these costs are by statute to be paid by all regulated entities in the proportions deemed just and reasonable by the Superintendent. The new regulation is intended to formally set forth the methodology utilized by the Banking Division for allocating these costs.

##### 4. Costs

The new regulation does not increase the total costs assessed to the regulated industries or alter the allocation of regulatory costs between the various industries regulated by the Banking Division. Indeed, the only change from the allocation methodology used by the Banking Department in the previous state fiscal years is that the regulatory costs assessed to the mortgage banking industry will be divided among the entities in that group on a basis which includes income derived from secondary market and servicing activities. The Department believes that this is a more appropriate basis for allocating the costs associated with supervising mortgage banking entities.

##### 5. Local Government Mandates

None.

##### 6. Paperwork

The regulation does not change the process utilized by the Banking Division to determine and collect assessments.

##### 7. Duplication

The regulation does not duplicate, overlap or conflict with any other regulations.

##### 8. Alternatives

The purpose of the regulation is to formally set forth the process employed by the Department to carry out the statutory mandate to assess and collect the operating costs of the Banking Division from regulated entities. In light of Homestead, the Department believes that promulgating this formal regulation is necessary in order to allow it to continue to assess all of its regulated institutions in the manner deemed most appropriate by the Superintendent. Failing to formalize the Banking Division's allocation

methodology would potentially leave the assessment process open to further judicial challenges.

9. Federal Standards

Not applicable.

10. Compliance Schedule

The emergency regulations are effective immediately. Regulated institutions will be expected to comply with the regulation for the fiscal year beginning on April 1, 2011 and thereafter.

**Regulatory Flexibility Analysis**

1. Effect of the Rule:

The regulation does not have any impact on local governments.

The regulation simply codifies the methodology used by the Banking Division of the Department of Financial Services (the "Department") to assess all entities regulated by it, including those which are small businesses. The regulation does not increase the total costs assessed to the regulated industries or alter the allocation of regulatory costs between the various industries regulated by the Banking Division.

Indeed, the only change from the allocation methodology used by the Banking Department in the previous state fiscal years is that the regulatory costs assessed to the mortgage banking industry will be divided among the entities in that group on a basis which includes income derived from secondary market and servicing activities. The Department believes that this is a more appropriate basis for allocating the costs associated with supervising mortgage banking entities. It is expected that the effect of this change will be that larger members of the mortgage banking industry will pay an increased proportion of the total cost of regulating that industry, while the relative assessments paid by smaller industry members will be reduced.

2. Compliance Requirements:

The regulation does not change existing compliance requirements. Both Section 17 of the Banking Law and Section 206 of the Financial Services Law provide that all expenses (compensation, lease costs and other overhead) of the Department in connection with the regulation and supervision of any person or entity licensed, registered, incorporated or otherwise formed pursuant to the Banking Law are to be charged to, and paid by, the regulated institutions subject to the supervision of the Banking Division. Under both statutes, the Superintendent is authorized to assess regulated institutions in the Banking Division in such proportions as the Superintendent shall deem just and reasonable.

3. Professional Services:

None.

4. Compliance Costs:

All regulated institutions are currently subject to assessment by the Banking Division. The regulation simply formalizes the Banking Division's assessment methodology. It makes only one change from the allocation methodology used by the Banking Department in the previous state fiscal years. That change affects only one of the industry groups regulated by the Banking Division. Regulatory costs assessed to the mortgage banking industry are now divided among the entities in that group on a basis which includes income derived from secondary market and servicing activities. Even within the one industry group affected by the change, additional compliance costs, if any, are expected to be minimal.

5. Economic and Technological Feasibility:

All regulated institutions are currently subject to the Banking Division's assessment requirements. The formalization of the Banking Division's assessment methodology in a regulation will not impose any additional economic or technological burden on regulated entities which are small businesses.

6. Minimizing Adverse Impacts:

Even within the mortgage banking industry, which is the one industry group affected by the change in assessment methodology, the change will not affect the total amount of the assessment. Indeed, it is anticipated that this change may slightly reduce the proportion of mortgage banking industry assessments that is paid by entities that are small businesses.

7. Small Business and Local Government Participation:

This regulation does not impact local governments.

This regulation simply codifies the methodology which the Banking Division uses for determining the just and reasonable proportion of the Banking Division's costs to be charged to and paid by each regulated institution, including regulated institutions which are small businesses. The overall methodology was adopted in 2005 after extensive discussion with regulated entities and industry associations representing groups of regulated institutions, including those that are small businesses.

Thereafter, the Banking Department applied assessments against all entities subject to its regulation. In addition, for fiscal 2010, the Banking Department changed its overall methodology slightly with respect to assessments against the mortgage banking industry to include income derived from secondary market and servicing activities. Litigation was commenced challenging this latter change, and in a recent decision, *In the Matter of Homestead Funding Corporation v. State of New York Banking*

Department et al., 944 N.Y.S. 2d 649 (2012), the court determined that the Department should adopt a change to its assessment methodology for mortgage bankers through a formal assessment rule promulgated pursuant to the requirements of the State Administrative Procedures Act. The challenged change in methodology had the effect of increasing the proportion of assessments against the mortgage banking industry paid by its larger members, while reducing the assessments paid by smaller participants, including those which are small businesses.

**Rural Area Flexibility Analysis**

Types and Estimated Numbers of Rural Areas. There are entities regulated by the New York State Department of Financial Services (formerly the Banking Department) located in all areas of the State, including rural areas. However, this rule simply codifies the methodology currently used by the Department to assess all entities regulated by it. The regulation does not alter that methodology, and thus it does not change the cost of assessments on regulated entities, including regulated entities located in rural areas.

Compliance Requirements. The regulation would not change the current compliance requirements associated with the assessment process.

Costs. While the regulation formalizes the assessment process, it does not change the amounts assessed to regulated entities, including those located in rural areas.

Minimizing Adverse Impacts. The regulation does not increase the total amount assessed to regulated entities by the Department. It simply codifies the methodology which the Superintendent has chosen for determining the just and reasonable proportion of the Department's costs to be charged to and paid by each regulated institution.

Rural Area Participation. This rule simply codifies the methodology which the Department currently uses for determining the just and reasonable proportion of the Department's costs to be charged to and paid by each regulated institution, including regulated institutions located in rural areas. The overall methodology was adopted in 2005 after extensive discussion with regulated entities and industry associations representing groups of regulated institutions, including those located in rural areas. It followed the loss of several major banking institutions that had paid significant portions of the former Banking Department's assessments.

Thereafter, the Department applied assessments against all entities subject to its regulation. In addition, for fiscal 2010, the Department changed this overall methodology slightly with respect to assessments against the mortgage banking industry to include income derived from secondary market income and servicing income. This latter change was challenged by a mortgage banker, and in early May, the Appellate Division determined that the latter change should have been made in conformity with the State Administrative Procedures Act. The challenged part of the methodology had the effect of increasing the proportion of assessments against the mortgage banking industry paid by its larger members, while reducing the assessments paid by smaller participants.

**Job Impact Statement**

The regulation is not expected to have an adverse effect on employment.

All institutions regulated by the Banking Division (the "Banking Division") of the Department of Financial Services are currently subject to assessment by the Department. The regulation simply formalizes the assessment methodology used by the Banking Division. It makes only one change from the allocation methodology used by the former Banking Department in the previous state fiscal years.

That change affects only one of the industry groups regulated by the Banking Division. It somewhat alters the way in which the Banking Division's costs of regulating mortgage banking industry are allocated among entities within that industry. In any case, the total amount assessed against regulated entities within that industry will remain the same.

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Continuing Care Retirement Communities**

**I.D. No.** DFS-11-17-00003-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Part 350 (Regulation 140) of Title 11 NYCRR.

**Statutory authority:** Financial Services Law, sections 202 and 302; Insurance Law, sections 201, 301 and 1119; Public Health Law, sections 4604(4)(a), 4607 and 4611

**Subject:** Continuing Care Retirement Communities.

**Purpose:** Amend rules related to permitted investments, financial transactions, reporting requirements and add new optional contract type.



**Substance of proposed rule (Full text is posted at the following State website: [www.dfs.ny.gov](http://www.dfs.ny.gov)):** Section 350.1 adds definitions necessitated by the addition of new language in the regulation and revises current definitions to provide greater clarity.

Section 350.2 is amended to replace the term “life care community” with “continuing care retirement community” (“CCRC”) for consistency and to add reference to the new continuing care at home contract type.

Section 350.3 is amended to replace the term “life care community” with “continuing care retirement community” for consistency and to clarify the calculation requirements for actuarial reserve liabilities.

Section 350.5 corrects the reference to section 350.6(c)(5)(iv) to read section 350.6(e)(1)(iv).

Section 350.6 is amended to broaden the range of investments a CCRC may hold, such as mutual funds and exchange traded funds, which previously were not permitted investments, subject to a purchase limit of 30 percent of total investable assets. Section 350.6 is also amended to add a requirement that a CCRC be in operation for at least 60 months and that the occupancy rate of the independent living units in the CCRC have exceeded 90 percent for six consecutive months prior to making certain types of investments.

Section 350.7 is amended to clarify when distributions of paid in surplus/capital may be made. Specifically, the amendment requires these types of distributions to be documented in writing, strengthens the criteria for allowing returns of paid in capital, and subjects certain distributions to review and approval by the Superintendent of Financial Services (“Superintendent”).

Section 350.9 is amended to add references to the new continuing care at home contract type.

Section 350.10 is amended to add references to the new continuing care at home contract type and to add an annual exhibit regarding population flow projections in the actuarial study.

Section 350.11 adds a new section specifying parameters for transactions between a CCRC and its parent corporation, affiliate or subsidiary. The current rule contains no parameters regarding those transactions. The section, modeled after Insurance Law Article 15 regarding insurer holding companies, requires, among other things, transactions between a CCRC and an affiliated entity to be fair and equitable; clearly and accurately disclosed; and subject to written agreements. Section 350.11 is also amended to add a requirement that a CCRC must obtain the Superintendent’s prior approval before entering into certain transactions with its parent corporation or any affiliate or subsidiary. It also adds a requirement that a CCRC notify the Superintendent, in writing, at least 30 days prior to entering into certain other transactions with its parent corporation or any affiliate or subsidiary, and that the Superintendent has not disapproved the transaction within that period. Further, this section bars a CCRC from guaranteeing the obligations of its parent corporation or any affiliate or subsidiary.

Section 350.12 is amended to add a requirement that a CCRC submit a copy of any report submitted to a trustee pursuant to a mortgage loan, bond indenture or other long-term financing agreement to the Superintendent. It also adds a requirement that a CCRC notify the Superintendent at least 30 days prior to the sale or transfer to another entity of a class 1 or class 2 capital asset worth more than \$250,000.

**Text of proposed rule and any required statements and analyses may be obtained from:** Martin Wojcik, NYS Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 486-7815, email: [martin.wojcik@dfs.ny.gov](mailto:martin.wojcik@dfs.ny.gov)

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 45 days after publication of this notice.

#### **Regulatory Impact Statement**

1. Statutory authority: The authority of the Superintendent of Financial Services (“Superintendent”) to promulgate the Second Amendment to Insurance Regulation 140 derives from Financial Services Law Sections 202 and 302; Insurance Law Sections 201, 301, and 1119; and Public Health Law Sections 4604(4)(a), 4607 and 4611.

Financial Services Law Section 202 establishes the office of the Superintendent.

Financial Services Law Section 302 and Insurance Law Sections 201 and 301 authorize the Superintendent to effectuate any power accorded by the Financial Services Law, Banking Law, Insurance Law, or any other law, and to prescribe regulations interpreting the Insurance Law, among other things.

Insurance Law Section 1119 authorizes the Superintendent to permit a continuing care retirement community (“CCRC”) subject to Public Health Law article 46 to operate without being licensed under the Insurance Law.

Public Health Law Section 4604(4)(a) authorizes the Superintendent to review and approve the actuarial principles of the proposed CCRC project, the financial feasibility of the proposed CCRC project, and the form

and content of the proposed contracts to be entered into with residents prior to the Department of Health’s approval of the CCRC’s certificate of authority.

Public Health Law Section 4607 authorizes the Superintendent to review and approve a CCRC’s annual statement.

Public Health Law Section 4611 provides the Superintendent with the authority to monitor and review the reserves and supporting assets of a CCRC.

2. Legislative objectives: This amendment adds a new section specifying parameters for transactions between a CCRC and its parent, affiliate or subsidiary. The section, modeled after Insurance Law Article 15 regarding insurer holding companies, requires, among other things, transactions between a CCRC and an affiliated entity to be fair and equitable; clearly and accurately disclosed; and subject to written agreements. The amendment also: (i) requires that a CCRC to obtain the Superintendent’s prior approval before entering into certain transactions with its parent corporation or any affiliate or subsidiary; (ii) requires that a CCRC notify the Superintendent, in writing, at least 30 days prior to entering into certain transactions with its parent corporation or any affiliate or subsidiary, and that the Superintendent has not disapproved the transaction within that period; (iii) bars a CCRC from guaranteeing the obligations of its parent corporation or any affiliate or subsidiary; (iv) requires a CCRC to submit a copy of any report submitted to a trustee pursuant to a mortgage loan, bond indenture or other long-term financing agreement to the Department of Financial Services (“Department”); and (v) adds a requirement that a CCRC notify the Department at least 30 days prior to the sale or transfer to another entity of a class 1 or class 2 capital asset worth more than \$250,000. The amendment also broadens the range of investments a CCRC may hold, such as mutual funds and exchange traded funds, which previously were not permitted investments, subject to a purchase limit of 30 percent of total investable assets. The amendment also adds a requirement that a CCRC be in operation for at least 60 months and that the occupancy rate of the independent living units in the CCRC has exceeded 90 percent for six consecutive months prior to making certain types of investments.

3. Needs and benefits: The current regulation has not been amended since 2007 and prescribes a rather outdated framework for the financial oversight of CCRCs. This amendment modernizes the parameters of that framework to better fit the needs of both CCRCs and the Department by broadening the range of permitted investments for CCRCs, clarifying the oversight of numerous financial transactions between CCRCs and affiliated entities, adding an annual financial reporting requirement related to the transfer or sale of capital assets, and adding a reference to the new type of optional contract, the continuing care at home contract.

4. Costs: CCRCs should not incur any significant costs associated with the implementation of this amendment, because CCRCs already have existing personnel available to administer the minimal additional annual financial reporting required by this rulemaking. Also, because the amendment does not require, but makes elective, the adoption of the new continuing care at home contract, a CCRC will not be subject to additional costs unless it opts to adopt the new contract. The Department will not incur any costs associated with the implementation of this amendment. Local governments are not affected by this rulemaking and thus will not incur any costs.

5. Local government mandates: These rules do not impose any program, service, duty or responsibility upon a city, town, village, school district or fire district.

6. Paperwork: There will be minimal additional paperwork caused by the amendment, which imposes a minor amount of additional annual financial reporting.

7. Duplication: Changes to CCRC oversight made by this amendment do not duplicate or conflict with any existing federal or state requirements.

8. Alternatives: This amendment accommodates the desire of CCRCs to expand the range of permitted investments, clarifies the existing oversight of financial transactions, adds an additional minimal annual financial reporting requirement, and adds a new type of optional contract, the continuing care at home contract. The Department believes that there are no viable alternatives to accomplish the objectives of this amendment.

9. Federal standards: This amendment will not affect compliance with any federal standard in any manner.

10. Compliance schedule: The rule will take effect 30 days after publication in the State Register.

#### **Regulatory Flexibility Analysis**

1. Small businesses: The Department of Financial Services (“Department”) finds that this rule will not impose any adverse economic impact on small businesses and will not impose any reporting, recordkeeping, or other compliance requirements on small businesses. The basis for this finding is that the amendment is directed at Continuing Care Retirement Communities (“CCRCs”), none of which falls within the definition of a “small business” as defined by State Administrative Procedure Act section 102(8). The Department reviewed filed reports on examination and annual

statements of these entities and believes that there are none that are both independently owned and employ fewer than 100 persons.

2. Local governments: The rule does not impose any impact, including any adverse impact, or reporting, recordkeeping, or other compliance requirements on any local governments. The basis for this finding is that this rule is directed at CCRCs, which are not local governments.

#### **Rural Area Flexibility Analysis**

The Department of Financial Services finds that this rule does not impose any additional burden on persons located in rural areas and that it will not have an adverse impact on rural areas. This rule applies uniformly to regulated parties that do business in both rural and non-rural areas of New York State.

#### **Job Impact Statement**

This amendment will not adversely impact job or employment opportunities in New York. The amendment broadens the range of permitted investments for Continuing Care Retirement Communities ("CCRCs"), clarifies the oversight of numerous financial transactions between CCRCs and affiliated entities, adds an annual financial reporting requirement related to the transfer or sale of capital assets, and adds a new type of optional contract, the continuing care at home contract.

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## Department of Health

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### NOTICE OF ADOPTION

#### **Direct Clinical Services—Supervised Individual Residential Alternatives (IRAs), Community Residences (CRs) and Day Habilitation**

**I.D. No.** HLT-47-16-00007-A

**Filing No.** 127

**Filing Date:** 2017-02-22

**Effective Date:** 2017-03-15

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Amendment of section 86-10.5 of Title 10 NYCRR.

**Statutory authority:** Public Health Law, section 201; Social Services Law, section 363-a

**Subject:** Direct Clinical Services—Supervised Individual Residential Alternatives (IRAs), Community Residences (CRs) and Day Habilitation.

**Purpose:** To exclude direct clinical services from the reimbursement for Supervised IRAs, CRs and Day Habilitation.

**Text or summary was published** in the November 23, 2016 issue of the Register, I.D. No. HLT-47-16-00007-P.

**Final rule as compared with last published rule:** No changes.

**Text of rule and any required statements and analyses may be obtained from:** Katherine Ceroalo, DOH, Bureau of House Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqa@health.ny.gov

#### **Assessment of Public Comment**

The agency received no public comment.

### NOTICE OF ADOPTION

#### **Medical Use of Marijuana—Physician Assistants**

**I.D. No.** HLT-48-16-00008-A

**Filing No.** 126

**Filing Date:** 2017-02-22

**Effective Date:** 2017-03-15

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Amendment of sections 94.2(e)(6) and 1004.1(a)(2) of Title 10 NYCRR.

**Statutory authority:** Public Health Law, sections 3701 and 3369-a

**Subject:** Medical Use of Marijuana—Physician Assistants.

**Purpose:** To authorize physician assistants to register with DOH in order to issue certifications to patients with qualifying conditions.

**Text or summary was published** in the November 30, 2016 issue of the Register, I.D. No. HLT-48-16-00008-P.

**Final rule as compared with last published rule:** No changes.

**Text of rule and any required statements and analyses may be obtained from:** Katherine Ceroalo, DOH, Bureau of House Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqa@health.ny.gov

#### **Assessment of Public Comment**

The New York State Department of Health ("Department") received comments from various stakeholders, including healthcare providers and healthcare provider associations. The comments are summarized below with responses.

**COMMENT:** A commenter objected to the requirement that the physician supervising the physician assistant (PA) must be registered with the Department to certify patients, in order for the PA to certify patients for medical marijuana. The commenter stated that there is no such requirement for nurse practitioners (NPs) and that there is little difference between nurse practitioners and PAs. The commenter further stated that requiring the supervising physician to also register will thwart the intent to increase access to practitioners. The commenter suggested allowing a supervising physician, as well as a collaborating physician for nurse practitioners, to acknowledge his or her approval of a PA's or nurse practitioner's registration with the Department, instead of requiring the supervising physician to register.

**RESPONSE:** The requirement that a PA's supervising physician be registered with the Medical Marijuana Program to certify patients is consistent with the scope of practice of PAs. Pursuant to New York State Education Law § 6542, a PA may perform medical services, but only under the supervision of a physician and only such acts and duties as are assigned and within the scope of practice of such supervising physician. The Commissioner is authorized pursuant to Public Health Law § 3701 to promulgate regulations defining and restricting the duties which may be assigned to PAs by their supervising physician, the degree of supervision required, and the manner in which such duties may be performed. Requiring a PA's supervising physician to register with the Medical Marijuana Program ensures that the PA is practicing within the scope of practice of the supervising physician. Pursuant to New York State Education Law § 6902, NPs work collaboratively with licensed physicians but are not required to practice under physician supervision. No changes to the proposed regulation were made as result of these comments.

**COMMENT:** A commenter stated that NPs with less than two years of experience must have a collaborative agreement or relationship with a physician and therefore do not work independently. The commenter further stated that many NPs are employed by hospitals, health practices, and community health centers, and are therefore subject to policies and protocols of the practice and not practicing independently. The commenter stated that the regulations proposed do not address how NPs who are employed within a practice setting should resolve differences of opinion concerning treatment, or whether they need to receive approval prior to registration.

**RESPONSE:** These comments are beyond the scope of the proposed regulation, which deals specifically with the authority for PAs to certify patients for the medical use of marijuana. No changes to the proposed regulation were made in response to this comment.

**COMMENT:** Comments were received in support of the proposed regulation:

- A commenter stated that PAs work in a wide variety of medical disciplines throughout New York State and are involved in all aspects of patient care. The commenter stated that the proposed rule will benefit patients receiving medical care from PAs throughout the state for treatment of serious conditions, as set forth in Public Health Law § 3360(7). This is particularly true in rural counties where fewer physicians are available to treat such illnesses and ailments. The commenter further stated that authorizing PAs to certify patients suffering from these conditions is consistent with the authority given to PAs to prescribe controlled substances, including opioids.

- A commenter stated that the proposed regulation is consistent with PA education and training and that the Centers for Medicare and Medicaid Services recently attested to the quality of PA education and training. The commenter further stated that the proposed regulation is consistent with New York State Public Health Law § 3703.

**RESPONSE:** The Department acknowledges the comments in support of the regulatory amendment. No revisions to the regulation are necessary to address these comments.



## Higher Education Services Corporation

### EMERGENCY RULE MAKING

#### New York State Science, Technology, Engineering and Mathematics Incentive Program

**I.D. No.** ESC-11-17-00002-E

**Filing No.** 131

**Filing Date:** 2017-02-23

**Effective Date:** 2017-02-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Addition of section 2201.13 to Title 8 NYCRR.

**Statutory authority:** Education Law, sections 653, 655 and 669-e

**Finding of necessity for emergency rule:** Preservation of general welfare.

**Specific reasons underlying the finding of necessity:** This statement is being submitted pursuant to subdivision (6) of section 202 of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's ("HESC") Emergency Rule Making seeking to add a new section 2201.13 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

This regulation implements a statutory student financial aid program providing for awards to be made to students beginning with the fall 2014 term. Emergency adoption is necessary to avoid an adverse impact on the processing of awards to eligible scholarship applicants. The statute provides for tuition benefits to college-going students who, beginning August 2014, pursue an undergraduate program of study in science, technology, engineering, or mathematics at a New York State public institution of higher education. High school students entering college in August must inform the institution of their intent to enroll no later than May 1. Therefore, it is critical that the terms of the program as provided in the regulation be available immediately in order for HESC to process scholarship applications so that students can make informed choices. To accomplish this mandate, the statute further provides for HESC to promulgate emergency regulations to implement the program. For these reasons, compliance with section 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

**Subject:** New York State Science, Technology, Engineering and Mathematics Incentive Program.

**Purpose:** To implement the New York State Science, Technology, Engineering and Mathematics Incentive Program.

**Text of emergency rule:** New section 2201.13 is added to Title 8 of the New York Code, Rules and Regulations to read as follows:

**Section 2201.13 New York State Science, Technology, Engineering and Mathematics Incentive Program.**

(a) Definitions. The following definitions apply to this section:

(1) "Award" shall mean a New York State Science, Technology, Engineering and Mathematics Incentive Program award pursuant to section 669-e of the New York State education law.

(2) "Employment" shall mean continuous employment for at least thirty-five hours per week in the science, technology, engineering or mathematics field, as published on the corporation's web site, for a public or private entity located in New York State for five years after the completion of the undergraduate degree program and, if applicable, a higher degree program or professional licensure degree program and a grace period as authorized by section 669-e(4) of the education law.

(3) "Grace period" shall mean a six month period following a recipient's date of graduation from a public institution of higher education and, if applicable, a higher degree program or professional licensure degree program as authorized by section 669-e(4) of the education law.

(4) "High school class" shall mean the total number of students eligible to graduate from a high school in the applicable school year.

(5) "Interruption in undergraduate study or employment" shall mean a temporary period of leave for a definitive length of time due to circumstances as determined by the corporation, including, but not limited to, maternity/paternity leave, death of a family member, or military duty.

(6) "Program" shall mean the New York State Science, Technology, Engineering and Mathematics Incentive Program codified in section 669-e of the education law.

(7) "Public institution of higher education" shall mean the state university of New York, as defined in subdivision 3 of section 352 of the education law, a community college as defined in subdivision 2 of section 6301 of the education law, or the city university of New York as defined in subdivision 2 of section 6202 of the education law.

(8) "School year" shall mean the period commencing on the first day of July in each year and ending on the thirtieth day of June next following.

(9) "Science, technology, engineering and mathematics" programs shall mean those undergraduate degree programs designated by the corporation on an annual basis and published on the corporation's web site.

(10) "Successful completion of a term" shall mean that at the end of any academic term, the recipient: (i) met the eligibility requirements for the award pursuant to sections 661 and 669-e of the education law; (ii) completed at least 12 credit hours or its equivalent in a course of study leading to an approved undergraduate degree in the field of science, technology, engineering, or mathematics; and (iii) possessed a cumulative grade point average (GPA) of 2.5 as of the date of the certification by the institution. Notwithstanding, the GPA requirement is preliminarily waived for the first academic term for programs whose terms are organized in semesters, and for the first two academic terms for programs whose terms are organized on a trimester basis. In the event the recipient's cumulative GPA is less than a 2.5 at the end of his or her first academic year, the recipient will not be eligible for an award for the second academic term for programs whose terms are organized in semesters or for the third academic term for programs whose terms are organized on a trimester basis. In such case, the award received for the first academic term for programs whose terms are organized in semesters and for the first two academic terms for programs whose terms are organized on a trimester basis must be returned to the corporation and the institution may reconcile the student's account, making allowances for any other federal, state, or institutional aid the student is eligible to receive for such terms unless: (A) the recipient's GPA in his or her first academic term for programs whose terms are organized in semesters was a 2.5 or above, or (B) the recipient's GPA in his or her first two academic terms for programs whose terms are organized on a trimester basis was a 2.5 or above, in which case the institution may retain the award received and only reconcile the student's account for the second academic term for programs whose terms are organized in semesters or for the third academic term for programs whose terms are organized on a trimester basis. The corporation shall issue a guidance document, which will be published on its web site.

(b) Eligibility. An applicant for an award under this program pursuant to section 669-e of the education law must also satisfy the general eligibility requirements provided in section 661 of the education law.

(c) Class rank or placement. As a condition of an applicant's eligibility, the applicant's high school shall provide the corporation:

(1) official documentation from the high school either (i) showing the applicant's class rank together with the total number of students in such applicant's high school class or (ii) certifying that the applicant is in the top 10 percent of such applicant's high school class; and

(2) the applicant's most current high school transcript; and

(3) an explanation of how the size of the high school class, as defined in subdivision (a), was determined and the total number of students in such class using such methodology. If the high school does not rank the students in such high school class, the high school shall also provide the corporation with an explanation of the method used to calculate the top 10 percent of students in the high school class, and the number of students in the top 10 percent, as calculated. Each methodology must comply with the terms of this program as well as be rational and reasonable. In the event the corporation determines that the methodology used by the high school fails to comply with the term of the program, or is irrational or unreasonable, the applicant will be denied the award for failure to satisfy the eligibility requirements; and

(4) any additional information the corporation deems necessary to determine that the applicant has graduated within the top 10 percent of his or her high school class.

(d) Administration.

(1) Applicants for an award shall:

(i) apply for program eligibility on forms and in a manner prescribed by the corporation. The corporation may require applicants to provide additional documentation evidencing eligibility; and

(ii) postmark or electronically transmit applications for program eligibility to the corporation on or before the date prescribed by the corporation for the applicable academic year. Notwithstanding any other rule or regulation to the contrary, such applications shall be received by the corporation no later than August 15th of the applicant's year of graduation from high school.

(2) Recipients of an award shall:

(i) execute a service contract prescribed by the corporation; and  
(ii) apply for payment annually on forms specified by the corporation;



(iii) confirm annually their enrollment in an approved undergraduate program in science, technology, engineering, or mathematics;

(iv) receive such awards for not more than four academic years of full-time undergraduate study or five academic years if the program of study normally requires five years, as defined by the commissioner pursuant to article thirteen of the education law, excluding any allowable interruption of study; and

(v) respond to the corporation's requests for a letter from their employer attesting to the employee's job title, the employee's number of hours per work week, and any other information necessary for the corporation to determine compliance with the program's employment requirements.

(e) Amounts.

(1) The amount of the award shall be determined in accordance with section 669-e of the education law.

(2) Disbursements shall be made each term to institutions, on behalf of recipients, within a reasonable time upon successful completion of the term subject to the verification and certification by the institution of the recipient's GPA and other eligibility requirements.

(3) Awards shall be reduced by the value of other educational grants and scholarships limited to tuition, as authorized by section 669-e of the education law.

(f) Failure to comply.

(1) All award monies received shall be converted to a 10-year student loan plus interest for recipients who fail to meet the statutory, regulatory, contractual, administrative or other requirement of this program.

(2) The interest rate for the life of the loan shall be fixed and equal to that published annually by the U.S. Department of Education for undergraduate unsubsidized Stafford loans at the time the recipient signed the service contract with the corporation.

(3) Interest shall begin to accrue on the day each award payment is disbursed to the institution.

(4) Interest shall be capitalized on the day the award recipient violates any term of the service contract or the date the corporation deems the recipient was no longer able or willing to perform the terms of the service contract. Interest on this amount shall be calculated using simple interest.

(5) Where a recipient has demonstrated extreme hardship as a result of a total and permanent disability, labor market conditions, or other such circumstances, the corporation may, in its discretion, postpone converting the award to a student loan, temporarily suspend repayment of the amount owed, prorate the amount owed commensurate with service completed, discharge the amount owed, or such other appropriate action. Where a recipient has demonstrated in-school status, the corporation shall temporarily suspend repayment of the amount owed for the period of in-school status.

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire May 23, 2017.

**Text of rule and any required statements and analyses may be obtained from:** Cheryl B. Fisher, NYS Higher Education Services Corporation, 99 Washington Avenue, Room 1325, Albany, New York 12255, (518) 474-5592, email: regcomments@hesc.ny.gov

#### Regulatory Impact Statement

Statutory authority:

The New York State Higher Education Services Corporation's ("HESC") statutory authority to promulgate regulations and administer the New York State Science, Technology, Engineering and Mathematics Incentive Program ("Program") is codified within Article 14 of the Education Law. In particular, Part G of Chapter 56 of the Laws of 2014 created the Program by adding a new section 669-e to the Education Law. Subdivision 5 of section 669-e of the Education Law authorizes HESC to promulgate emergency regulations for the purpose of administering this Program.

Pursuant to Education Law § 652(2), HESC was established for the purpose of improving the post-secondary educational opportunities of eligible students through the centralized administration of New York State financial aid programs and coordinating the State's administrative effort in student financial aid programs with those of other levels of government.

In addition, Education Law § 653(9) empowers HESC's Board of Trustees to perform such other acts as may be necessary or appropriate to carry out the objects and purposes of the corporation including the promulgation of rules and regulations.

HESC's President is authorized, under Education Law § 655(4), to propose rules and regulations, subject to approval by the Board of Trustees, governing, among other things, the application for and the granting and administration of student aid and loan programs, the repayment of loans or the guarantee of loans made by HESC; and administrative func-

tions in support of state student aid programs. Also, consistent with Education Law § 655(9), HESC's President is authorized to receive assistance from any Division, Department or Agency of the State in order to properly carry out his or her powers, duties and functions. Finally, Education Law § 655(12) provides HESC's President with the authority to perform such other acts as may be necessary or appropriate to carry out effectively the general objects and purposes of HESC.

Legislative objectives:

The Education Law was amended to add a new section 669-e to create the "New York State Science, Technology, Engineering and Mathematics Incentive Program" (Program). This Program is aimed at increasing the number of individuals working in the fields of science, technology, engineering and mathematics (STEM) in New York State to meet the increasingly critical need for those skills in the State's economy.

Needs and benefits:

According to a February 2012 report by President Obama's Council of Advisors on Science and Technology, there is a need to add to the American workforce over the next decade approximately one million more science, technology, engineering and mathematics (STEM) professionals than the United States will produce at current rates in order for the country to stay competitive. To meet this goal, the United States will need to increase the number of students who receive undergraduate STEM degrees by about 34% annually over current rates. The report also stated that fewer than 40% of students who enter college intending to major in a STEM field complete a STEM degree. Further, a recent Wall Street Journal article reported that New York state suffers from a shortage of graduates in STEM fields to fill the influx of high-tech jobs that occurred five years ago. At a plant in Malta, about half the jobs were filled by people brought in from outside New York and 11 percent were foreigners. According to the article, Bayer Corp. is due to release a report showing that half of the recruiters from large U.S. companies surveyed couldn't find enough job candidates with four-year STEM degrees in a timely manner; some said that had led to more recruitment of foreigners. About two-thirds of the recruiters surveyed said that their companies were creating more STEM positions than other types of jobs. There are also many jobs requiring a two-year degree. In an effort to deal with this shortage, companies are using more internships, grants and scholarships.

The Program is aimed at increasing the number New York graduates with two and four year degrees in STEM who will be working in STEM fields across New York state. Eligible recipients may receive annual awards for not more than four academic years of undergraduate full-time study (or five years if enrolled in a five-year program) while matriculated in an approved program leading to a career in STEM.

The maximum amount of the award is equal to the annual tuition charged to New York State resident students attending an undergraduate program at the State University of New York (SUNY), including state operated institutions, or City University of New York (CUNY). The current maximum annual award for the 2014-15 academic year is \$6,170. Payments will be made directly to schools on behalf of students upon certification of their successful completion of the academic term.

Students receiving a New York State Science, Technology, Engineering and Mathematics Incentive Program award must sign a service agreement and agree to work in New York state for five years in a STEM field and reside in the State during those five years. Recipients who do not fulfill their service obligation will have the value of their awards converted to a student loan and be responsible for interest.

Costs:

a. It is anticipated that there will be no costs to the agency for the implementation of, or continuing compliance with this rule.

b. The maximum cost of the program to the State is \$8 million in the first year based upon budget estimates.

c. It is anticipated that there will be no costs to Local Governments for the implementation of, or continuing compliance with, this rule.

d. The source of the cost data in (b) above is derived from the New York State Division of the Budget.

Local government mandates:

No program, service, duty or responsibility will be imposed by this rule upon any county, city, town, village, school district, fire district or other special district.

Paperwork:

This proposal will require applicants to file an electronic application for each year they wish to receive an award up to and including five years of eligibility. Recipients are required to sign a contract for services in exchange for an award. Recipients must submit annual status reports until a final disposition is reached in accordance with the written contract.

Duplication:

No relevant rules or other relevant requirements duplicating, overlapping, or conflicting with this rule were identified.

Alternatives:

The proposed regulation is the result of HESC's outreach efforts to

financial aid professionals with regard to this Program. Several alternatives were considered in the drafting of this regulation. For example, several alternatives were considered in defining terms/phrases used in the regulation as well as the academic progress requirement. Given the statutory language as set forth in section 669-e of the Education Law, a "no action" alternative was not an option.

Federal standards:

This proposal does not exceed any minimum standards of the Federal Government, and efforts were made to align it with similar federal subject areas as evidenced by the adoption of the federal unsubsidized Stafford loan rate in the event that the award is converted into a student loan.

Compliance schedule:

The agency will be able to comply with the regulation immediately upon its adoption.

#### **Regulatory Flexibility Analysis**

This statement is being submitted pursuant to subdivision (3) of section 202-b of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's ("HESC") Emergency Rule Making, seeking to add a new section 2201.13 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse economic impact on small businesses or local governments. HESC finds that this rule will not impose any compliance requirement or adverse economic impact on small businesses or local governments. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides tuition benefits to college students who pursue their undergraduate studies in the fields of science, technology, engineering, or mathematics at a New York State public institution of higher education. Students will be rewarded for remaining and working in New York, which will provide an economic benefit to the State's small businesses and local governments as well.

#### **Rural Area Flexibility Analysis**

This statement is being submitted pursuant to subdivision (4) of section 202-bb of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Emergency Rule Making, seeking to add a new section 2201.13 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse impact on rural areas. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides tuition benefits to college students who pursue their undergraduate studies in the fields of science, technology, engineering, or mathematics at a New York State public institution of higher education. Students will be rewarded for remaining and working in New York, which will benefit rural areas around the State as well.

This agency finds that this rule will not impose any reporting, record keeping or other compliance requirements on public or private entities in rural areas.

#### **Job Impact Statement**

This statement is being submitted pursuant to subdivision (2) of section 201-a of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Emergency Rule Making seeking to add a new section 2201.13 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have any negative impact on jobs or employment opportunities. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides tuition benefits to college students who pursue their undergraduate studies in the fields of science, technology, engineering, or mathematics at New York State public institution of higher education. Students will be rewarded for remaining and working in New York, which will benefit the State as well.

## **Long Island Power Authority**

### **PROPOSED RULE MAKING HEARING(S) SCHEDULED**

#### **Dynamic Load Management Provisions of the Authority's Tariff**

**I.D. No.** LPA-11-17-00013-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Long Island Power Authority proposes to modify the Tariff for Electric Service ("Tariff") effective June 1, 2017, to update its dynamic load management programs in order to be consistent with New York Public Service Commission ("PSC") policy.

**Statutory authority:** Public Authorities Law, section 1020-f(u) and (z)

**Subject:** Dynamic load management provisions of the Authority's Tariff.

**Purpose:** To update the dynamic load management provisions of the Tariff in order to be consistent with PSC policy.

**Public hearing(s) will be held at:** 10:00 a.m., May 1, 2017 at H. Lee Denison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY; 2:00 p.m., May 1, 2017 at 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY.

**Interpreter Service:** Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

**Accessibility:** All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

**Substance of proposed rule:** The Long Island Power Authority staff proposes to modify the Tariff for Electric Service effective June 1, 2017 to effectuate Order No. 14-E-0423 – Order Adopting Dynamic Load Management Program Changes with Modifications in order to be consistent with New York Public Service Commission ("PSC") policy regarding dynamic load management programs.

**Text of proposed rule and any required statements and analyses may be obtained from:** Justin Bell, Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY 11553, (516) 719-9886, email: jbell@lipower.org

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** Five days after the last scheduled public hearing.

#### **Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

### **PROPOSED RULE MAKING HEARING(S) SCHEDULED**

#### **Street Lighting Provisions of the Authority's Tariff for Electric Service**

**I.D. No.** LPA-11-17-00014-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Long Island Power Authority proposes to update the Authority's Tariff for Electric Service to clarify provisions regarding notification of street lighting changes and resulting billing modifications.

**Statutory authority:** Public Authorities Law, section 1020-f(u) and (z)

**Subject:** Street lighting provisions of the Authority's Tariff for Electric Service.

**Purpose:** To clarify provisions regarding notification of street lighting changes and resulting billing modifications.

**Public hearing(s) will be held at:** 10:00 a.m., May 1, 2017 at H. Lee Denison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY; 2:00 p.m., May 1, 2017 at 333 Earle Ovington Blvd., 4th Fl., Uniondale, NY.

**Interpreter Service:** Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

**Accessibility:** All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

**Substance of proposed rule:** The Long Island Power Authority Staff proposes to modify the Tariff for Electric Service to clarify the language regarding the notification process for lighting changes and the timing and extent of any resulting billing modifications.

**Text of proposed rule and any required statements and analyses may be obtained from:** Justin Bell, Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY 11553, (516) 719-9886, email: jbell@lipower.org

**Data, views or arguments may be submitted to:** Same as above.



**Public comment will be received until:** Five days after the last scheduled public hearing.

**Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

## Department of Motor Vehicles

### NOTICE OF ADOPTION

#### Window Tinting Standards

**I.D. No.** MTV-01-17-00004-A

**Filing No.** 128

**Filing Date:** 2017-02-23

**Effective Date:** 2017-03-15

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Amendment of section 54.40 of Title 15 NYCRR.

**Statutory authority:** Vehicle and Traffic Law, sections 215 and 375(12-a)(f)

**Subject:** Window tinting standards.

**Purpose:** To conform the regulations with the statute requiring window tinting as part of the safety inspection.

**Text or summary was published** in the January 4, 2017 issue of the Register, I.D. No. MTV-01-17-00004-EP.

**Final rule as compared with last published rule:** No changes.

**Text of rule and any required statements and analyses may be obtained from:** Heidi Bazicki, Department of Motor Vehicles, 6 Empire State Plaza, Room 522A, Albany, NY 12228, (518) 474-0871, email: heidi.bazicki@dmv.ny.gov

#### Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2022, which is no later than the 5th year after the year in which this rule is being adopted.

#### Assessment of Public Comment

The Department received three comments regarding the amendments to Part 79, which requires that the annual safety inspection must determine if the vehicle meets the tinting requirements set forth in Vehicle and Traffic Law section 375(12-a). The Department appreciates all comments that were submitted.

**Comment:** Charles E. Sullivan, Jr. submitted comments regarding several issues. He expressed concern that the Subaru Outback would not conform to the requirements set forth in Part 54 and, therefore, would fail the safety inspection required by Part 79. He also asked why multi-purpose vehicles (MPVs) are not covered by the rule, since its purpose is to protect law enforcement officers. He requested definitions for "station wagon" and "multi-purpose vehicles." He asked if "DMV is intending to revise the RIS, the RFA, the RAFA, and/or the JIS to discuss the cost of bringing a noncomplying vehicle into compliance with the tinted window requirements and who will bear the same (consumer or manufacturer) if the tinted windows came standard on the vehicle." Finally, he "recommend[s] that the coverage of the implementing regulations be expanded to encompass any motor vehicle subject to motor vehicle inspection."

**Response:** The Subaru Outback in question is considered an MPV. Therefore, the rear side windows in these vehicles are not subject to the 70 percent light transmittance requirement and no modifications would be required to such vehicles to comply with the law. MPVs are not covered by the rule, because the State law reflects the federal requirements for window tinting. It would place an unfair burden on customers to require the removal of tint from MPVs that are legally manufactured and sold. Therefore, DMV will not amend the regulations to require that MPVs have the same tinting requirements as passenger vehicles. DMV will not revise the impact statements because there will be no additional cost to customers who operate cars with the appropriate level of tint. There is no definition of station wagon; we defer to the dictionary definition. An MPV is defined in federal law as "a motor vehicle with motive power, except a low-speed vehicle or trailer, designed to carry 10 persons or less which is constructed either on a truck chassis or with special features for occasional off-road operation."

**Comment:** The New York State Association of Service Stations & Repair Shops, Inc. (NYSASSRS) stated that they "are on record as opposing the Window Tinting Requirement now included in the Safety Inspections for New York vehicles." NYSASSRS requests a hearing about the regulations and its impact on inspection stations.

NYSASSRS explains that the tint meter costs up to \$200, takes at least 10 minutes to perform and "can equate to ten dollars or more in labor costs." NYSASSRS also objects to the fact that the station can pass a car that clearly has no tint but cannot fail a car that the inspector "can tell will not pass inspection," thus requiring a full testing of the windows. Customers have expressed frustration at the increased length of the inspection. NYSASSRS states that it is confusing as to how to handle failures.

**Response:** The law does not require that the Department hold a hearing, nor is one necessary. The regulation clearly describes the basis to pass or fail an inspection based upon the light transmittance of windows and depending on the type and model year of the vehicle. There was no need to add language to the regulation about how to record pass/fail, because the tinting portion of the regulation is simply an additional element of the inspection of the vehicle's glass. This point was reiterated in the Department's Office of Vehicle Safety's message to all stations, on December 27, 2106, advising that the "recording of inspections has not changed. In the NYVIP2 Computerized Inspection System (CVIS), the certified inspector would address Pass or Fail for window tint under the existing 'Windshield and other Glass' choice. When a station is required to record their inspections on paper. ...a vehicle being rejected for window tint would have a check mark under 'other' in column 11."

NYSASSRS notes that although an inspection station can pass a vehicle that is clearly in compliance with the law, the station cannot fail a person for clear non-compliance. The Department did consider this point, but believes that there are so many gradations of tinting levels that non-compliance is not always obvious. Therefore, in order to insure that a vehicle is not improperly failed, the Department believes that a window should be tested before it is deemed non-compliant.

The Department acknowledges the NYSASSRS' concerns about the cost and time to perform inspections with the added tint requirement. However, Chapter 444 of the Laws of 2016 required that an examination of the levels of tint be part of the safety inspection, effective January 1, 2017, and the inspection stations are required to comply with this law. In addition, the intent of the law, to provide enhanced protection of law enforcement officers approaching vehicles, is laudable and necessary.

**Comment:** D. B. Smit, representing the International Window Film Association (IWFA), wrote that his "organization is keenly interested in the rule making surrounding new legislation, now enacted into law regarding window tinting film and vehicle inspections. I am hoping to begin a dialogue with New York DMV and looking for ways in which our industry can help improve understanding of window film and the window film industry. Our aim is to support New York's law and the underlying imperative for protecting law enforcement officers. We also need to provide our industry with the information needed for installers to act within the law."

**Response:** The Department responded: "The regulation does not set forth window tinting requirements; those are established in Vehicle and Traffic Law section 375(12-a) and have not changed since 1992. The purpose of the regulation is to provide that, as part of the annual safety inspection, the inspector must assess whether the vehicle complies with the tinting requirements set forth in VTL section 375(12-a). The amendments to Part 54 simply reiterate those requirements. A change in the VTL would require an act of the Legislature, not the DMV."

### NOTICE OF ADOPTION

#### Motor Vehicle Inspection Standards for Window Tinting

**I.D. No.** MTV-01-17-00005-A

**Filing No.** 129

**Filing Date:** 2017-02-23

**Effective Date:** 2017-03-15

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Amendment of sections 79.9, 79.21 and 79.27 of Title 15 NYCRR.

**Statutory authority:** Vehicle and Traffic Law, sections 215, 301 and 302(e)

**Subject:** Motor vehicle inspection standards for window tinting.

**Purpose:** To conform the regulations with the statute requiring window tinting as part of the safety inspection.

**Text or summary was published** in the January 4, 2017 issue of the Register, I.D. No. MTV-01-17-00005-EP.

**Final rule as compared with last published rule:** No changes.

**Text of rule and any required statements and analyses may be obtained from:** Heidi Bazicki, Department of Motor Vehicles, 6 Empire State Plaza, Room 522A, Albany, NY 12228, (518) 474-0871, email: heidi.bazicki@dmv.ny.gov

#### **Initial Review of Rule**

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2022, which is no later than the 5th year after the year in which this rule is being adopted.

#### **Assessment of Public Comment**

The Department received three comments regarding the amendments to Part 79, which requires that the annual safety inspection must determine if the vehicle meets the tinting requirements set forth in Vehicle and Traffic Law section 375(12-a). The Department appreciates all comments that were submitted.

Comment: Charles E. Sullivan, Jr. submitted comments regarding several issues. He expressed concern that the Subaru Outback would not conform to the requirements set forth in Part 54 and, therefore, would fail the safety inspection required by Part 79. He also asked why multi-purpose vehicles (MPVs) are not covered by the rule, since its purpose is to protect law enforcement officers. He requested definitions for "station wagon" and "multi-purpose vehicles." He asked if "DMV is intending to revise the RIS, the RFA, the RAFA, and/or the JIS to discuss the cost of bringing a noncomplying vehicle into compliance with the tinted window requirements and who will bear the same (consumer or manufacturer) if the tinted windows came standard on the vehicle." Finally, he "recommend[s] that the coverage of the implementing regulations be expanded to encompass any motor vehicle subject to motor vehicle inspection."

Response: The Subaru Outback in question is considered an MPV. Therefore, the rear side windows in these vehicles are not subject to the 70 percent light transmittance requirement and no modifications would be required to such vehicles to comply with the law. MPVs are not covered by the rule, because the State law reflects the federal requirements for window tinting. It would place an unfair burden on customers to require the removal of tint from MPVs that are legally manufactured and sold. Therefore, DMV will not amend the regulations to require that MPVs have the same tinting requirements as passenger vehicles. DMV will not revise the impact statements because there will be no additional cost to customers who operate cars with the appropriate level of tint. There is no definition of station wagon; we defer to the dictionary definition. An MPV is defined in federal law as "a motor vehicle with motive power, except a low-speed vehicle or trailer, designed to carry 10 persons or less which is constructed either on a truck chassis or with special features for occasional off-road operation."

Comment: The New York State Association of Service Stations & Repair Shops, Inc. (NYSASSRS) stated that they "are on record as opposing the Window Tinting Requirement now included in the Safety Inspections for New York vehicles." NYSASSRS requests a hearing about the regulations and its impact on inspection stations.

NYSASSRS explains that the tint meter costs up to \$200, takes at least 10 minutes to perform and "can equate to ten dollars or more in labor costs." NYSASSRS also objects to the fact that the station can pass a car that clearly has no tint but cannot fail a car that the inspector "can tell will not pass inspection," thus requiring a full testing of the windows. Customers have expressed frustration at the increased length of the inspection. NYSASSRS states that it is confusing as to how to handle failures.

Response: The law does not require that the Department hold a hearing, nor is one necessary. The regulation clearly describes the basis to pass or fail an inspection based upon the light transmittance of windows and depending on the type and model year of the vehicle. There was no need to add language to the regulation about how to record pass/fail, because the tinting portion of the regulation is simply an additional element of the inspection of the vehicle's glass. This point was reiterated in the Department's Office of Vehicle Safety's message to all stations, on December 27, 2106, advising that the "recording of inspections has not changed. In the NYVIP2 Computerized Inspection System (CVIS), the certified inspector would address Pass or Fail for window tint under the existing 'Windshield and other Glass' choice. When a station is required to record their inspections on paper... a vehicle being rejected for window tint would have a check mark under 'other' in column 11."

NYSASSRS notes that although an inspection station can pass a vehicle that is clearly in compliance with the law, the station cannot fail a person for clear non-compliance. The Department did consider this point, but believes that there are so many gradations of tinting levels that non-compliance is not always obvious. Therefore, in order to insure that a vehicle is not improperly failed, the Department believes that a window should be tested before it is deemed non-compliant.

The Department acknowledges the NYSASSRS' concerns about the cost and time to perform inspections with the added tint requirement. However, Chapter 444 of the Laws of 2016 required that an examination

of the levels of tint be part of the safety inspection, effective January 1, 2017, and the inspection stations are required to comply with this law. In addition, the intent of the law, to provide enhanced protection of law enforcement officers approaching vehicles, is laudable and necessary.

Comment: D. B. Smit, representing the International Window Film Association (IWFA), wrote that his "organization is keenly interested in the rule making surrounding new legislation, now enacted into law regarding window tinting film and vehicle inspections. I am hoping to begin a dialogue with New York DMV and looking for ways in which our industry can help improve understanding of window film and the window film industry. Our aim is to support New York's law and the underlying imperative for protecting law enforcement officers. We also need to provide our industry with the information needed for installers to act within the law."

Response: The Department responded: "The regulation does not set forth window tinting requirements; those are established in Vehicle and Traffic Law section 375(12-a) and have not changed since 1992. The purpose of the regulation is to provide that, as part of the annual safety inspection, the inspector must assess whether the vehicle complies with the tinting requirements set forth in VTL section 375(12-a). The amendments to Part 54 simply reiterate those requirements. A change in the VTL would require an act of the Legislature, not the DMV."

### **NOTICE OF ADOPTION**

#### **Qualifications and Disqualifications of Bus Drivers**

**I.D. No.** MTV-02-17-00005-A

**Filing No.** 149

**Filing Date:** 2017-02-28

**Effective Date:** 2017-03-15

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Amendment of Part 6 of Title 15 NYCRR.

**Statutory authority:** Vehicle and Traffic Law, sections 215(a) and 509-m(2)

**Subject:** Qualifications and disqualifications of bus drivers.

**Purpose:** Provides clarification regarding procedures relative to the qualification and disqualification of bus drivers.

**Text or summary was published in** the January 11, 2017 issue of the Register, I.D. No. MTV-02-17-00005-P.

**Final rule as compared with last published rule:** No changes.

**Text of rule and any required statements and analyses may be obtained from:** Heidi Bazicki, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 522A, Albany, NY 12228, Albany, NY 12228, (518) 474-0871, email: heidi.bazicki@dmv.ny.gov

#### **Assessment of Public Comment**

The agency received no public comment.

### **PROPOSED RULE MAKING NO HEARING(S) SCHEDULED**

#### **Private Service Bureaus**

**I.D. No.** MTV-11-17-00005-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** This is a consensus rule making to amend section 77.7 of Title 15 NYCRR.

**Statutory authority:** Vehicle and Traffic Law, sections 215(a) and 395

**Subject:** Private Service Bureaus.

**Purpose:** To delete the outdated DMV website address from the regulation.

**Text of proposed rule:** Paragraph (f) of section 77.7 is amended to read as follows:

(f) Disclaimer. In any case where a private service bureau maintains a website that offers services or transactions that an applicant could obtain or conduct directly via the department's own website, the private service bureau must include the following language by means of a statement on its website on any pages that refer to licensing, registration or title transactions performed by the New York State Department of Motor Vehicles in a noticeably distinct manner and in bold type New York State Department of Motor Vehicles in a noticeably distinct manner and in bold type of a size equal to at least 24 point type:

NOTICE:

THIS TRANSACTION OR SERVICE IS ALSO AVAILABLE, AT NO ADDITIONAL CHARGE, DIRECTLY FROM THE OFFICIAL DEPARTMENT OF MOTOR VEHICLES WEBSITE [AT [www.nysdmv.com](http://www.nysdmv.com)].

**Text of proposed rule and any required statements and analyses may be obtained from:** Heidi Bazicki, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 522A, Albany, NY 12228, (518) 474-0871, email: [heidi.bazicki@dmv.ny.gov](mailto:heidi.bazicki@dmv.ny.gov)

**Data, views or arguments may be submitted to:** Ida Traschen, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 522A, Albany, NY 12228, (518) 474-0871, email: [heidi.bazicki@dmv.ny.gov](mailto:heidi.bazicki@dmv.ny.gov)

**Public comment will be received until:** 45 days after publication of this notice.

#### Consensus Rule Making Determination

15 NYCRR 77.7(f) provides that if a private service bureau (PSB) maintains a website that offers services and transactions that the applicant could obtain directly from the Department of Motor Vehicles' website, the PSB must post a notice advising the applicant that the service may be obtained from the DMV at no cost. The regulation cites an outdated address for the DMV website, which is currently [www.dmv.ny.gov](http://www.dmv.ny.gov).

Since the address for the DMV website may change from time to time, the actual website address is deleted from the regulation. Since this is a technical revision to the regulation, a consensus rulemaking is appropriate.

#### Job Impact Statement

Since this proposed rulemaking has no adverse impact on job creation or development in New York State, a Job Impact Statement is not submitted.

## Public Service Commission

### NOTICE OF ADOPTION

#### Petition on Calculation of Demand for Offset Tariff Customers Subject to Standby Service Rates

**I.D. No.** PSC-35-15-00011-A

**Filing Date:** 2017-02-22

**Effective Date:** 2017-02-22

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 2/16/17, the PSC adopted an order denying Related Companies and Oxford Properties' (Related) petition regarding the calculation of demand for Con Edison's Offset Tariff customers subject to standby service rates.

**Statutory authority:** Public Service Law, sections 5(1)(b), 65(1), (2), (3), 66(1), (2), (3), (5), (8), (10) and (12)

**Subject:** Petition on calculation of demand for Offset Tariff customers subject to standby service rates.

**Purpose:** To deny Related's petition on calculation of demand for Offset Tariff customers subject to standby service rates.

**Substance of final rule:** The Commission, on February 16, 2017, adopted an order denying Related Companies and Oxford Properties' (Related) petition regarding the calculation of demand for Consolidated Edison Company of New York, Inc.'s Offset Tariff customers subject to standby service rates, subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: [john.pitucci@dps.ny.gov](mailto:john.pitucci@dps.ny.gov) An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

#### Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0452SA1)

### NOTICE OF ADOPTION

#### Deferral of Expenses

**I.D. No.** PSC-01-16-00003-A

**Filing Date:** 2017-02-24

**Effective Date:** 2017-02-24

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 2/16/17, the PSC adopted an order approving St. Lawrence Gas Company, Inc.'s (St. Lawrence) petition to use deferred accounting treatment in relation to risk assessment costs, in the amount of \$267,393.

**Statutory authority:** Public Service Law, sections 5, 65(1) and 66(12)

**Subject:** Deferral of expenses.

**Purpose:** To approve St. Lawrence's petition to defer risk assessment costs of \$267,393.

**Substance of final rule:** The Commission, on February 16, 2017, adopted an order approving St. Lawrence Gas Company, Inc.'s petition to use deferred accounting treatment in relation to risk assessment costs, in the amount of \$267,393, subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: [john.pitucci@dps.ny.gov](mailto:john.pitucci@dps.ny.gov) An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

#### Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-G-0711SA1)

### NOTICE OF ADOPTION

#### Submetering of Electricity

**I.D. No.** PSC-11-16-00016-A

**Filing Date:** 2017-02-27

**Effective Date:** 2017-02-27

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 2/16/17, the PSC adopted an order approving 504 Myrtle Residential Owner LLC's (504 Myrtle) notice of intent to submeter electricity at 504 Myrtle Avenue, Brooklyn, New York.

**Statutory authority:** Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

**Subject:** Submetering of electricity.

**Purpose:** To approve 504 Myrtle's notice of intent to submeter electricity at 504 Myrtle Avenue, Brooklyn, New York.

**Substance of final rule:** The Commission, on February 16, 2017, adopted an order approving 504 Myrtle Residential Owner LLC's notice of intent to submeter electricity at 504 Myrtle Avenue, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: [john.pitucci@dps.ny.gov](mailto:john.pitucci@dps.ny.gov) An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

#### Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-E-0073SA1)



## NOTICE OF ADOPTION

## Submetering of Electricity

I.D. No. PSC-12-16-00005-A

Filing Date: 2017-02-27

Effective Date: 2017-02-27

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 2/16/17, the PSC adopted an order approving 3475 Third Avenue Owner Realty LLC's (3475 Third Avenue) notice of intent to submeter electricity at 3475 Third Avenue, Bronx, New York.

**Statutory authority:** Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

**Subject:** Submetering of electricity.

**Purpose:** To approve 3475 Third Avenue's notice of intent to submeter electricity at 3475 Third Avenue, Bronx, New York.

**Substance of final rule:** The Commission, on February 16, 2017, adopted an order approving 3475 Third Avenue Owner Realty LLC's (3475 Third Avenue) notice of intent to submeter electricity at 3475 Third Avenue, Bronx, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-E-0123SA1)

## NOTICE OF ADOPTION

## Mechanism for Customers Exempt from Standby Rates

I.D. No. PSC-13-16-00008-A

Filing Date: 2017-02-22

Effective Date: 2017-02-22

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 2/16/17, the PSC adopted an order denying Related Companies and Oxford Properties' (Related) petition requesting to direct Con Edison to develop a mechanism for customers exempt from standby rates.

**Statutory authority:** Public Service Law, sections 5(1), 65(1), (2), (3), 66(1), (2), (3), (5), (8), (9), (10) and (12)

**Subject:** Mechanism for customers exempt from standby rates.

**Purpose:** To deny Related's petition requesting to direct Con Edison to develop a mechanism for customers exempt from standby rates.

**Substance of final rule:** The Commission, on February 16, 2017, adopted an order denying Related Companies and Oxford Properties' petition requesting to direct Consolidated Edison Company of New York, Inc. to develop a mechanism to allow customers that are exempt from standby rates to benefit from use of the Offset Tariff, subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-E-0138SA1)

## NOTICE OF ADOPTION

## Submetering of Electricity and Waiver of Energy Audit

I.D. No. PSC-22-16-00010-A

Filing Date: 2017-02-24

Effective Date: 2017-02-24

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 2/16/17, the PSC adopted an order approving CB Tarter Property LLC's (CB Tarter) notice of intent to submeter electricity at 210 East 39th Street, New York, New York and waiver of 16 NYCRR § 96.5(k)(3).

**Statutory authority:** Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

**Subject:** Submetering of electricity and waiver of energy audit.

**Purpose:** To approve CB Tarter's notice of intent to submeter electricity and waiver of energy audit.

**Substance of final rule:** The Commission, on February 16, 2017, adopted an order approving CB Tarter Property LLC's notice of intent to submeter electricity at 210 East 39th Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. and granting a waiver of 16 NYCRR § 96.5(k)(3), requiring an energy audit, subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-E-0230SA1)

## NOTICE OF ADOPTION

## Submetering of Electricity and Waiver of Energy Audit

I.D. No. PSC-30-16-00005-A

Filing Date: 2017-02-27

Effective Date: 2017-02-27

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 2/16/17, the PSC adopted an order approving 616 First Avenue LLC's (616 First Avenue) notice of intent to submeter electricity at 626 First Avenue, New York, New York and waiver of 16 NYCRR section 96.5(k)(3).

**Statutory authority:** Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

**Subject:** Submetering of electricity and waiver of energy audit.

**Purpose:** To approve 616 First Avenue's notice of intent to submeter electricity and waiver of energy audit.

**Substance of final rule:** The Commission, on February 16, 2017, adopted an order approving 616 First Avenue LLC's notice of intent to submeter electricity at 626 First Avenue, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. and granting a waiver of 16 NYCRR § 96.5(k)(3), requiring an energy audit, subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-E-0377SA1)

## NOTICE OF ADOPTION

## Submetering of Electricity

I.D. No. PSC-32-16-00010-A

Filing Date: 2017-02-24

Effective Date: 2017-02-24

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 2/16/17, the PSC adopted an order approving The Residential Board of Managers of 30 Park Place Condominium's (30 Park Place) notice of intent to submeter electricity at 30 Park Place, New York, New York.

**Statutory authority:** Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

**Subject:** Submetering of electricity.

**Purpose:** To approve 30 Park Place's notice of intent to submeter electricity at 30 Park Place, New York, New York.

**Substance of final rule:** The Commission, on February 16, 2017, adopted an order approving The Residential Board of Managers of 30 Park Place Condominium's notice of intent to submeter electricity at 30 Park Place, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-E-0391SA1)

## NOTICE OF ADOPTION

## Tariff Amendments

I.D. No. PSC-34-16-00004-A

Filing Date: 2017-02-23

Effective Date: 2017-02-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 2/16/17, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to General Information Section III.8(W)—AMR/AMI Meter Opt-Out, contained in P.S.C. No. 9—Gas.

**Statutory authority:** Public Service Law, sections 65 and 66

**Subject:** Tariff amendments.

**Purpose:** To approve Con Edison's tariff amendments to General Information Section III.8(W), contained in P.S.C. No. 9—Gas.

**Substance of final rule:** The Commission, on February 16, 2017, adopted an order approving Consolidated Edison Company of New York, Inc.'s tariff amendments to General Information Section III.8(W) – Automated Meter Reading/Advanced Meter Infrastructure Meter Opt-Out, contained in P.S.C. No. 9 – Gas, subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(13-G-0031SA5)

## NOTICE OF ADOPTION

## Tariff Amendments

I.D. No. PSC-34-16-00007-A

Filing Date: 2017-02-23

Effective Date: 2017-02-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 2/16/17, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to General Rule 6.10 — AMR/AMI Meter Opt-Out, contained in P.S.C. No. 10 — Electricity.

**Statutory authority:** Public Service Law, sections 65 and 66

**Subject:** Tariff amendments.

**Purpose:** To approve Con Edison's tariff amendments to General Rule 6.10, contained in P.S.C. No. 10 — Electricity.

**Substance of final rule:** The Commission, on February 16, 2017, adopted an order approving Consolidated Edison Company of New York, Inc.'s tariff amendments to General Rule 6.10 — Automated Meter Reading/Advanced Meter Infrastructure Meter Opt-Out, contained in P.S.C. No. 10 — Electricity, subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(13-E-0030SA12)

## NOTICE OF ADOPTION

## Tariff Amendments to Implement the CES

I.D. No. PSC-41-16-00017-A

Filing Date: 2017-02-22

Effective Date: 2017-02-22

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 2/16/17, the PSC adopted an order directing the six major electric utilities to file tariff amendments associated with the implementation of the Clean Energy Standard (CES).

**Statutory authority:** Public Service Law, sections 4(1), 5(1), (2) and 66(2); Energy Law, section 6-104(5)(b)

**Subject:** Tariff amendments to implement the CES.

**Purpose:** To direct the six major electric utilities to file tariff amendments associated with the implementation of the CES.

**Substance of final rule:** The Commission, on February 16, 2017, adopted an order directing Central Hudson Gas and Electric Corporation, Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., Niagara Mohawk Power Corporation d/b/a National Grid, New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation to file tariff amendments that permit the recovery of the costs associated with the implementation of the Clean Energy Standard, subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0302SA24)



## NOTICE OF ADOPTION

## Modifications to the Phase Three Order

I.D. No. PSC-46-16-00010-A

Filing Date: 2017-02-22

Effective Date: 2017-02-22

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 2/16/17, the PSC adopted an order approving, with modifications, Consolidated Edison Company of New York, Inc.'s (Con Edison) petition to modify the Phase Three Storm Hardening (Phase Three) Order.

**Statutory authority:** Public Service Law, sections 65 and 66

**Subject:** Modifications to the Phase Three Order.

**Purpose:** To approve, with modifications, Con Edison's petition to modify the Phase Three Order.

**Substance of final rule:** The Commission, on February 16, 2017, adopted an order approving, with modifications, Consolidated Edison Company of New York, Inc.'s petition to modify the Phase Three Storm Hardening Order, subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(13-E-0030SA13)

## NOTICE OF ADOPTION

## CES Phase 1 Implementation Plan

I.D. No. PSC-46-16-00012-A

Filing Date: 2017-02-22

Effective Date: 2017-02-22

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 2/16/17, the PSC adopted an order approving The Clean Energy Standard Phase 1 (CES Phase 1) Implementation Plan.

**Statutory authority:** Public Service Law, sections 4(1), 5(1), (2), 66(2); and Energy Law, section 6-104(5)(b)

**Subject:** CES Phase 1 Implementation Plan.

**Purpose:** To approve the CES Phase 1 Implementation Plan.

**Substance of final rule:** The Commission, on February 16, 2017, adopted an order approving The Clean Energy Standard Phase 1 Implementation Plan Proposal submitted by New York State Energy Research and Development Authority and the New York State Department of Public Service, subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0302SA25)

## NOTICE OF ADOPTION

## Lease of Property

I.D. No. PSC-47-16-00012-A

Filing Date: 2017-02-23

Effective Date: 2017-02-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 2/16/17, the PSC adopted an order approving New York State Electric and Gas Corporation's (NYSEG) petition to continue to lease property to Allied Dog Training, LLC (Allied).

**Statutory authority:** Public Service Law, section 70

**Subject:** Lease of property.

**Purpose:** To approve NYSEG's petition to continue to lease property to Allied.

**Substance of final rule:** The Commission, on February 16, 2017, adopted an order approving New York State Electric and Gas Corporation's petition to continue to lease 1,150 square feet of property at 230 Baldwin Place Road, Mahopac, New York to Allied Dog Training, LLC, subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-M-0624SA1)

## NOTICE OF ADOPTION

## Petition on Clarification of Tariff Revisions

I.D. No. PSC-48-16-00005-A

Filing Date: 2017-02-23

Effective Date: 2017-02-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 2/16/17, the PSC adopted an order addressing Mid-Hudson Streetlight Consortium's (MHSC) petition for clarification and directing Central Hudson Gas and Electric Corporation (Central Hudson) to provide clarification on their tariff revisions.

**Statutory authority:** Public Service Law, section 70-a

**Subject:** Petition on clarification of tariff revisions.

**Purpose:** To address MHSC's petition for clarification and direct Central Hudson to provide clarification on their tariff revisions.

**Substance of final rule:** The Commission, on February 16, 2017, adopted an order addressing Mid-Hudson Streetlight Consortium's petition for clarification and directed Central Hudson Gas and Electric Corporation to provide clarification to its tariff, to specify that the pre-attachment survey fee will only be required for new attachments on Company-owned utility poles, subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0745SA2)

## NOTICE OF ADOPTION

## Transfer of Street Lighting Facilities

I.D. No. PSC-49-16-00002-A

Filing Date: 2017-02-27

Effective Date: 2017-02-27

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 2/16/17, the PSC adopted an order approving Orange and Rockland Utilities, Inc.'s (O&R) petition to transfer certain street lighting facilities to the Town of Ramapo.

**Statutory authority:** Public Service Law, sections 65, 66 and 70

**Subject:** Transfer of street lighting facilities.

**Purpose:** To approve O&R's petition to transfer certain street lighting facilities to the Town of Ramapo.

**Substance of final rule:** The Commission, on February 16, 2017, adopted an order approving Orange and Rockland Utilities, Inc.'s petition to transfer certain street lighting facilities to the Town of Ramapo, subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-E-0636SA1)

## NOTICE OF ADOPTION

## Transfer of Ownership Interests

I.D. No. PSC-50-16-00003-A

Filing Date: 2017-02-23

Effective Date: 2017-02-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 2/16/17, the PSC adopted an order approving Energy Capital Partners, et. al.'s joint petition for the transfer of ownership interests in Empire Gen Holdings, Inc.

**Statutory authority:** Public Service Law, sections 2(12), (13), 5(1)(b), 5-b, 64, 65, 66 and 70

**Subject:** Transfer of ownership interests.

**Purpose:** To approve Energy Capital Partners I, et. al.'s joint petition for the transfer of ownership interests in Empire Gen Holdings.

**Substance of final rule:** The Commission, on February 16, 2017, adopted an order approving the transfer of ownership interests in Empire Gen Holdings, Inc., the indirect owner of an approximately 670 MW electric generating facility located in Rensselaer, New York, from Energy Capital Partners I, LP, Energy Capital Partners I-A, LP, Energy Capital Partners I-B, LP, and ECPI (NE Energy IP), LP to TTK Power, LLC, subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-E-0574SA1)

## NOTICE OF ADOPTION

## Use of Electric Meter

I.D. No. PSC-51-16-00010-A

Filing Date: 2017-02-24

Effective Date: 2017-02-24

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 2/16/17, the PSC adopted an order approving Aclara Technologies LLC's (Aclara) petition to use the Aclara kV2c Electric Meter with Silver Springs Technologies (Silver Springs) Network Interface Card (NIC) 511 for electric metering applications.

**Statutory authority:** Public Service Law, section 67(1)

**Subject:** Use of electric meter.

**Purpose:** To approve Aclara's petition to use the kV2c/NIC 511 Electric Meter in New York State.

**Substance of final rule:** The Commission, on February 16, 2017, adopted an order approving Aclara Technologies LLC's (Aclara) petition to use the Aclara kV2c Electric Meter with Silver Springs Technologies Network Interface Card 511 for electric metering applications in New York State, subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-E-0366SA1)

## NOTICE OF ADOPTION

## IRM for the New York Control Area

I.D. No. PSC-52-16-00006-A

Filing Date: 2017-02-22

Effective Date: 2017-02-22

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 2/16/17, the PSC adopted an Installed Reserve Margin (IRM) of 18.0% established by the New York State Reliability Council (NYSRC) for the New York Control Area for the Capability Year May 1, 2017-April 30, 2018.

**Statutory authority:** Public Service Law, sections 4(1), 5(2), 65(1), 66(1), (2), (4) and (5)

**Subject:** IRM for the New York Control Area.

**Purpose:** To adopt an IRM of 18.0% established by NYSRC for the New York Control Area.

**Substance of final rule:** The Commission, on February 16, 2017, adopted an Installed Reserve Margin of 18.0% established by the New York State Reliability Council for the New York Control Area for the Capability Year beginning on May 1, 2017, and ending on April 30, 2018, subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(07-E-0088SA11)

## NOTICE OF ADOPTION

## Tariff Amendments to Implement the CES

I.D. No. PSC-52-16-00009-A

Filing Date: 2017-02-22

Effective Date: 2017-02-22

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 2/16/17, the PSC adopted an order approving municipal utilities' tariff amendments, with modifications, to allow recovery of costs to implement the Clean Energy Standard (CES).

**Statutory authority:** Public Service Law, sections 4(1), 5(1), (2) and 66(2); Energy Law, section 6-104(5)(b)

**Subject:** Tariff amendments to implement the CES.

**Purpose:** To approve municipal utilities' tariff amendments, with modifications, associated with the implementation of the CES.

**Substance of final rule:** The Commission, on February 16, 2017, adopted an order approving New York Municipal Power Agency's tariff amendments and Freeport Electric Municipal Light & Power, Jamestown Board of Public Utilities and the Village of Rockville Centre's tariff amendments, with modifications, to allow for the recovery of costs associated with the Clean Energy Standard, subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-E-0693SA1)

## NOTICE OF ADOPTION

## Tariff Revisions to Provide for 100 Feet of Service Line

I.D. No. PSC-52-16-00010-A

Filing Date: 2017-02-23

Effective Date: 2017-02-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 2/16/17, the PSC adopted an order directing all major electric utilities, excluding Consolidated Edison Company of New York, Inc. (Con Edison) to make tariff revisions to provide for 100 feet of service line at no cost.

**Statutory authority:** Public Service Law, sections 31(4), 65 and 66

**Subject:** Tariff revisions to provide for 100 feet of service line.

**Purpose:** To direct all major electric utilities, excluding Con Edison to file tariff revisions to provide for 100 feet of service line.

**Substance of final rule:** The Commission, on February 16, 2017, adopted an order directing all major electric utilities, excluding Consolidated Edison Company of New York, Inc. (Con Edison) to make tariff revisions to provide for 100 feet of service line at no cost and to allow for an amount of three-phase service equal in cost to 100 feet of single phase service, subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-E-0637SA2)

PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED

## Use of the Itron 100W+, to Collect and Transmit Meter Data, in Water Metering Applications

I.D. No. PSC-11-17-00006-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Public Service Commission is considering a petition filed on February 7, 2017, by New York American Water Company to use the Itron 100W+ Water End Point, to collect and transmit meter data in water metering applications.

**Statutory authority:** Public Service Law, section 89-d(1)

**Subject:** Use of the Itron 100W+, to collect and transmit meter data, in water metering applications.

**Purpose:** To consider the use of the Itron 100W+, to collect and transmit meter data in water metering applications.

**Substance of proposed rule:** The Public Service Commission is considering a petition filed on February 7, 2017, by New York American Water Company for approval to use the Itron 100W+ Water End Point, to collect and transmit meter data in water metering applications. The full text of the petition may be reviewed online at the Department of Public Service web page: [www.dps.ny.gov](http://www.dps.ny.gov). The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

**Data, views or arguments may be submitted to:** Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov)

**Public comment will be received until:** 45 days after publication of this notice.

**Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(17-W-0090SP1)

PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED

## Minor Rate Filing

I.D. No. PSC-11-17-00007-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Commission is considering the filing of the Village of Arcade to amend P.S.C. No. 1—Electricity, to increase its annual electric revenues by approximately \$395,756, or 5.3%.

**Statutory authority:** Public Service Law, section 66(12)(b)

**Subject:** Minor rate filing.

**Purpose:** To consider an increase in annual revenues of about \$395,756, or 5.3%.

**Substance of proposed rule:** The Commission is considering the filing of the Village of Arcade to amend P.S.C. No. 1 – Electricity, to increase its annual electric revenues by approximately \$395,756, or 5.3%. Under the proposal, the monthly bill of a residential customer using 750 kilowatt-hours of electricity would increase from \$36.33 to \$38.40, or 5.71%. The proposed amendments have an effective date of July 1, 2017. The full text of the filing may be reviewed online at the Department of Public Service web page: [www.dps.ny.gov](http://www.dps.ny.gov). The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

**Data, views or arguments may be submitted to:** Kathleen H. Burgess,



Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov)

**Public comment will be received until:** 45 days after publication of this notice.

**Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(17-E-0092SP1)

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Effectuate Amendments to 49 CFR Part 192 Mandated by the Pipeline and Hazardous Materials Safety Administration**

**I.D. No.** PSC-11-17-00008-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Commission is considering a proposal filed by National Fuel Gas Distribution Corporation to revise its gas tariff schedule, P.S.C. No. 8, regarding the installation of excess flow valves pursuant to changes to 49 CFR part 192.

**Statutory authority:** Public Service Law, section 66(12)(b)

**Subject:** Effectuate amendments to 49 CFR part 192 mandated by the Pipeline and Hazardous Materials Safety Administration.

**Purpose:** To consider revisions to its gas tariff schedule regarding the installation of excess flow valves.

**Substance of proposed rule:** The Commission is considering a proposal filed by National Fuel Gas Distribution Corporation (National Fuel or the Company) to revise P.S.C. No. 8 – Gas, to effectuate amendments to 49 CFR Part 192 regarding the installation of excess flow valves mandated by the Pipeline and Hazardous Materials Safety Administration's Final Rule issued on October 14, 2016 and effective April 14, 2017. The revisions to 49 CFR Part 192 require that excess flow valves be installed at the customer request. The proposed amendments have an effective date of April 14, 2017, but will be postponed to accommodate the comment period required under the State Administrative Procedure Act. The full text of the proposal may be reviewed online at the Department of Public Service web page: [www.dps.ny.gov](http://www.dps.ny.gov). The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: [john.pitucci@dps.ny.gov](mailto:john.pitucci@dps.ny.gov)

**Data, views or arguments may be submitted to:** Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov)

**Public comment will be received until:** 45 days after publication of this notice.

**Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(17-G-0102SP1)

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Petition to Submeter Electricity**

**I.D. No.** PSC-11-17-00009-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Public Service Commission is considering a petition, filed by 8th and C HDfC, to submeter electricity at 334 East 8th Street, New York, New York.

**Statutory authority:** Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

**Subject:** Petition to submeter electricity.

**Purpose:** To consider the petition of 8th and C HDfC to submeter electricity at 334 East 8th Street, New York, New York.

**Substance of proposed rule:** The Commission is considering the petition, filed by 8th and C HDfC on January 24, 2017, to submeter electricity at 334 East 8th Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. The full text of the petition may be reviewed online at the Department of Public Service web page: [www.dps.ny.gov](http://www.dps.ny.gov). The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: [john.pitucci@dps.ny.gov](mailto:john.pitucci@dps.ny.gov)

**Data, views or arguments may be submitted to:** Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov)

**Public comment will be received until:** 45 days after publication of this notice.

**Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(17-E-0052SP1)

**PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED**

**Permit the Export of Electricity Discharged by Battery Storage Systems During Demand-Response Events Under the BQDM Program**

**I.D. No.** PSC-11-17-00010-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Commission is considering a proposal filed by Consolidated Edison Company of New York, Inc. to make revisions to General Rule 8.3 — Generating Facilities Used on an Emergency Basis for Export, P.S.C. No. 10 — Electricity.

**Statutory authority:** Public Service Law, section 66(12)(b)

**Subject:** Permit the export of electricity discharged by battery storage systems during demand-response events under the BQDM Program.

**Purpose:** To consider revising General Rule 8.3 — Generating Facilities Used on an Emergency Basis for Export.

**Substance of proposed rule:** The Commission is considering a proposal filed by Consolidated Edison Company of New York, Inc. (Con Edison or the Company) to revise P.S.C. No. 10 – Electricity, General Rule 8.3 – Generating Facilities Used on an Emergency Basis for Export. Con Edison proposes to permit the export of electricity discharged by battery storage systems to the Company's primary and second distribution system when the Company calls demand-response events under the Brooklyn/Queens Demand Management (BQDM) Program. Con Edison also proposes to rename General Rule 8.3 to "Generating Facilities Used Under Special Circumstances for Export". The proposed amendments have an effective date of May 23, 2017. The full text of the proposal may be reviewed online at the Department of Public Service web page: [www.dps.ny.gov](http://www.dps.ny.gov). The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: [john.pitucci@dps.ny.gov](mailto:john.pitucci@dps.ny.gov)

**Data, views or arguments may be submitted to:** Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov)

**Public comment will be received until:** 45 days after publication of this notice.

**Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(17-E-0104SP1)

### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### Proposed Transfers of Property Interests Between APGI and Arconic Inc. and Incidental Regulation of Water-Works Corporation

I.D. No. PSC-11-17-00011-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Commission is considering a verified petition seeking approval of proposed transfers of property interests between Alcoa Power Generating Inc. (APGI) and Arconic Inc., and incidental regulation of APGI as a water works-corporation.

**Statutory authority:** Public Service Law, sections 2(13), (26), (27), 5(1)(b), 70, 89-b, 89-c, 89-d, 89-f, 89-g and 89-h

**Subject:** Proposed transfers of property interests between APGI and Arconic Inc. and incidental regulation of water-works corporation.

**Purpose:** To consider proposed transfers of property interests and incidental regulation of water-works corporation.

**Substance of proposed rule:** The New York State Public Service Commission (Commission) is considering a verified petition filed by Alcoa Power Generating Inc. (APGI) and Arconic Inc. (Arconic), collectively the Petitioners, under Sections 70 and 89-h of the Public Service Law (PSL) for the authority to transfer land interests between APGI and Arconic. The Petitioners explain that the subject land underlies limited generation and transmission assets owned and operated by APGI, and that the operation of those assets would not be changed by the proposed affiliate transfers. The Petitioners further request a declaratory ruling that APGI is not a water-works corporation under PSL Section 2(27). In the alternative, the Petitioners request that it be granted incidental regulation as a water-works corporation. The full text of the verified petition may be reviewed online at the Department of Public Service web page: [www.dps.ny.gov](http://www.dps.ny.gov). The Commission may adopt, reject, or modify, in whole or in part, the relief proposed and may resolve related matters.

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: [john.pitucci@dps.ny.gov](mailto:john.pitucci@dps.ny.gov)

**Data, views or arguments may be submitted to:** Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov)

**Public comment will be received until:** 45 days after publication of this notice.

#### Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(17-E-0069SP1)

### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### Enter Into a Long-Term Loan Agreement with the EFC

I.D. No. PSC-11-17-00012-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Commission is considering the petition of Hague Community Homeowners Association Inc. (HCHA) for a \$90,000 long-term loan from the Environmental Facilities Corporation (EFC) and to establish a surcharge mechanism to repay the loan.

**Statutory authority:** Public Service Law, section 89-f

**Subject:** Enter into a long-term loan agreement with the EFC.

**Purpose:** To consider HCHA's petition to enter into a long-term loan agreement with the EFC and establish a surcharge mechanism.

**Substance of proposed rule:** The Public Service Commission is considering a petition, filed on February 16, 2017, by Hague Community Home-

owners Association Inc., seeking approval for a \$90,000 long-term loan from the Environmental Facilities Corporation, to establish a surcharge mechanism to repay the loan and for approval of an electronic tariff schedule. The full text of the petition may be reviewed online at the Department of Public Service web page: [www.dps.ny.gov](http://www.dps.ny.gov). The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: [john.pitucci@dps.ny.gov](mailto:john.pitucci@dps.ny.gov)

**Data, views or arguments may be submitted to:** Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov)

**Public comment will be received until:** 45 days after publication of this notice.

#### Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(17-W-0077SP1)

## Triborough Bridge and Tunnel Authority

### NOTICE OF ADOPTION

#### Proposal to Strengthen Toll Violation Enforcement at TBTA Bridges and Tunnels

I.D. No. TBA-46-16-00021-A

Filing No. 125

Filing Date: 2017-02-22

Effective Date: 2017-03-15

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Repeal of section 1021.3; and addition of new section 1021.3 to Title 21 NYCRR.

**Statutory authority:** Public Authorities Law, section 553(5)

**Subject:** Proposal to strengthen toll violation enforcement at TBTA bridges and tunnels.

**Purpose:** To deter toll evasion.

#### Text of final rule: Section 1021.3 Toll Violation Enforcement

1. The owner, as defined in Public Authorities Law § 2985(3), of any vehicle crossing a bridge or tunnel without paying the crossing charge prescribed by the Triborough Bridge and Tunnel Authority ("Authority") at the place and time and in the manner established for the collection of such crossing charge commits a violation of toll collection regulations.

(a) Payment of crossing charges by E-ZPass shall be made by means of a properly mounted E-ZPass tag of the proper class that is classified as valid at the time of the toll transaction. For each such violation, the owner shall be charged the full undiscounted crossing charge for fare media other than E-ZPass. Nothing in this section shall be construed to limit the liability of an E-ZPass account holder for administrative violation fees established and imposed by the E-ZPass agreement for failure to pay crossing charges by means of a properly mounted E-ZPass Tag of the proper class that is classified as valid at the time of the transaction.

(b) Payment of crossing charges by fare media other than E-ZPass shall be made at the place and time and in the manner established for the collection of such crossing charge. Nothing in this section shall be construed to limit the liability of a video account holder for administrative violation fees established and imposed by the applicable video account agreement for failure to pay the crossing charges at the place and time and in the manner established for the collection of such crossing charges.

2. The owner of any vehicle which violates toll collection regulations by crossing a bridge or tunnel without paying the crossing charge prescribed by the Authority at the place and time and in the manner established for the collection of such crossing charge shall be liable to the Authority for



an administrative fee, known as the toll violation fee. The fee shall be in the amount of \$50.00, for each such violation arising from crossing the Henry Hudson Bridge, the Cross Bay Veterans Memorial Bridge and the Marine Parkway-Gil Hodges Memorial Bridge; and, \$100.00 for each such violation arising from crossing the Bronx-Whitestone Bridge, the Hugh L. Carey Tunnel, the Queens Midtown Tunnel, the Robert F. Kennedy Bridge, the Throgs Neck Bridge and the Verrazano-Narrows Bridge. The toll violation fee shall be in addition to the applicable crossing charge and any fines and penalties otherwise prescribed by law or by agreement.

3. A Notice of Violation shall be sent by the Authority's authorized agent ("Authorized Agent") to the individual or business alleged to be liable for the toll violation as owner and shall contain:

(a) the name and address of the individual or business alleged to be liable for the toll violation as owner;

(b) the registration number and state of the vehicle alleged to have been involved in the violation;

(c) the location, date and time of each use of the facility that forms the basis of such violation;

(d) the amount of the assessed toll and toll violation fee; and

(e) an image of the license plate of the vehicle being used or operated on the toll facility, provided that an image of each such license plate in the Notice of Violation shall be provided by the Authorized Agent upon request.

4. The individual or business alleged to be liable for the toll violation as owner may dispute the violation by submitting a Declaration of Dispute to the Authorized Agent at the time and place and in the manner established in the Notice of Violation and such toll violation and associated toll violation fee shall be dismissed if such individual or business provides a certification that:

(a) The individual or business was not the registered owner of the vehicle at the time of the toll transaction that forms the basis of such alleged violation and submits to the Authorized Agent: (i) a copy of the plate surrender receipt from the Department of Motor Vehicles; (ii) proof of sale of the vehicle; (iii) a copy of the report to a law enforcement agency that the plate was lost; and/or (iv) a copy of the report to a law enforcement agency that the vehicle was stolen; or

(b) The toll was paid by E-ZPass and the toll posted to an E-ZPass Account and submits to the Authorized Agent a copy of the E-ZPass statement showing the toll posting; or

(c) The toll was paid in cash at the time and submits to the Authorized Agent a copy of the toll receipt; or

(d) The registered owner's vehicle was not present at the facility at the time of the violation(s) or for other good cause shown.

5. If the owner is a vehicle rental or leasing company which seeks to perform a Transfer of Responsibility to the vehicle lessee or renter, the owner shall submit to the Authorized Agent at the time and place and in the manner established in the Notice of Violation a signed lease or rental agreement and certification of the name and address of the lessee or renter of the vehicle at the time of the toll transaction that forms the basis for the violation. A Notice of Violation or toll invoice shall be sent by the Authorized Agent to such lessee or renter within forty-five days of receipt of the signed lease or rental agreement and certification and such lessee or renter shall be deemed to the owner of such vehicle and shall be liable for the payment of tolls and any toll violation fees.

6. The Authorized Agent shall send the owner a written determination of the Declaration of Dispute under subdivision four.

(a) The owner may request a review by the Authority of the Authorized Agent's determination of the Declaration of Dispute by submitting a Request for Review to the Authority at the place and time and in the matter established in the Authorized Agent's written determination of the Declaration of Dispute.

(b) The Authorized Agent's determination of the Declaration of Dispute under subdivision four shall be final and binding on the owner unless overturned by the Authority upon review.

(c) The Authority's determination of the owner's Request for Administrative Review shall be final and binding on the owner unless overturned by a Court of competent jurisdiction of the State of New York, County of New York, under Article 78 of the New York Civil Practice Law and Rules or a United States Court located in New York City, under the procedures and laws applicable in that court.

7. The individual or business alleged to be liable for each toll violation as owner shall be liable for each unpaid toll and toll violation fee unless: (i) such unpaid toll and/or toll violation fee has been dismissed under subdivision four or subdivision six; (ii) there has been a Transfer of Responsibility under subdivision five; or (iii) after payment of such toll, the toll violation fee has been dismissed or reduced under the Fee Waiver Policy adopted by the Authority. Such owners who fail to pay each toll and toll violation fee in response to a Notice of Violation may also have their vehicle registrations suspended under vehicle and traffic law section 510(3)(d) and implementing regulations.

**Final rule as compared with last published rule:** Nonsubstantive changes were made in section 1021.3(a) and (b).

**Text of rule and any required statements and analyses may be obtained from:** M. Margaret Terry, Senior Vice President and General Counsel, Triborough Bridge and Tunnel Authority, 2 Broadway, 24th Floor, New York, New York 10004, (646) 252-7619, email: mterry@mtabt.org.

**Revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

A revised regulatory impact statement (RIS), regulatory flexibility analysis (RFA) for small business and local governments, a revised rural flexibility analysis (RAFA) and a revised job impact statement (JIS) are not required for this notice of adoption, because changes made to the rule do not necessitate revision to the previously published RIS, RFA, RAFA and JIS respectively.

**Initial Review of Rule**

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2020, which is no later than the 3rd year after the year in which this rule is being adopted.

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION**

**Establish a New Crossing Charge Schedule for Use of Bridges and Tunnels Operated by Triborough Bridge and Tunnel Authority**

**I.D. No.** TBA-49-16-00008-A

**Filing No.** 124

**Filing Date:** 2017-02-22

**Effective Date:** 2017-02-22

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Repeal of section 1021.1; and addition of new section 1021.1 to Title 21 NYCRR.

**Statutory authority:** Public Authorities Law, section 553(5)

**Subject:** Establish a new crossing charge schedule for use of bridges and tunnels operated by Triborough Bridge and Tunnel Authority.

**Purpose:** To raise additional revenue.

**Text or summary was published in** the December 7, 2016 issue of the Register, I.D. No. TBA-49-16-00008-P.

**Final rule as compared with last published rule:** No changes.

**Text of rule and any required statements and analyses may be obtained from:** M. Margaret Terry, Senior Vice President and General Counsel, Triborough Bridge and Tunnel Authority, 2 Broadway, 24th Floor, New York, New York 10004, (646) 252-7619, email: mterry@mtabt.org

**Revised Regulatory Impact Statement**

A revised regulatory impact statement is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

**Revised Regulatory Flexibility Analysis**

A revised regulatory flexibility analysis is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

**Revised Rural Area Flexibility Analysis**

A revised rural area flexibility analysis is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

**Revised Job Impact Statement**

A revised job impact statement is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

## HEARINGS SCHEDULED FOR PROPOSED RULE MAKINGS

Agency I.D. No.	Subject Matter	Location—Date—Time
<b>Environmental Conservation, Department of</b>		
ENV-06-17-00001-P .....	Amendments to 6 NYCRR Part 617 (which implement the State Environmental Quality Review Act [article 8 of the ECL])	Department of Environmental Conservation, 625 Broadway, Rm. 129, Albany, NY—March 31, 2017, 1:00 p.m.
<b>Long Island Power Authority</b>		
LPA-11-17-00013-P .....	Dynamic load management provisions of the authority's tariff	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—May 1, 2017, 10:00 a.m.  333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—May 1, 2017, 2:00 p.m.
LPA-11-17-00014-P .....	Street lighting provisions of the authority's tariff for electric service	H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—May 1, 2017, 10:00 a.m.  333 Earle Ovington Blvd., 4th Fl., Uniondale, NY—May 1, 2017, 2:00 p.m.
<b>Public Service Commission</b>		
PSC-07-17-00017-P .....	Disposition of tax refunds and other related matters	Department of Public Service, Three Empire State Plaza, 3rd Fl. Hearing Rm., Albany, NY—April 18, 2017, 10:30 a.m. and continuing as needed (Evidentiary Hearing)* *On occasion there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website ( <a href="http://www.dps.ny.gov">www.dps.ny.gov</a> ) under Case 16-W-0373.





## ACTION PENDING INDEX

The action pending index is a list of all proposed rules which are currently being considered for adoption. A proposed rule is added to the index when the notice of proposed rule making is first published in the *Register*. A proposed rule is removed from the index when any of the following occur: (1) the proposal is adopted as a permanent rule; (2) the proposal is rejected and withdrawn from consideration; or (3) the proposal's notice expires.

Most notices expire in approximately 12 months if the agency does not adopt or reject the proposal within that time. The expiration date is printed in the second column of the action pending index. Some notices, however, never expire. Those notices are identified by the word "exempt" in the second column. Actions pending for one year or more are preceded by an asterisk(\*).

For additional information concerning any of the proposals

listed in the action pending index, use the identification number to locate the text of the original notice of proposed rule making. The identification number contains a code which identifies the agency, the issue of the *Register* in which the notice was printed, the year in which the notice was printed and the notice's serial number. The following diagram shows how to read identification number codes.

Agency code	Issue number	Year published	Serial number	Action Code
<b>AAM</b>	<b>01</b>	<b>12</b>	<b>00001</b>	<b>P</b>

Action codes: P — proposed rule making; EP — emergency and proposed rule making (expiration date refers to proposed rule); RP — revised rule making

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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### ADIRONDACK PARK AGENCY

*APA-09-16-00005-P	..... 03/02/17	Access to Agency Records	To conform Adirondack Park Agency rules to the Public Officers Law and rules promulgated by the Committee on Open Government
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### AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-23-16-00005-P	..... 06/08/17	National Institute of Standards and Technology ("NIST") Handbook 44; receipts issued by taxicab operators, digital scales	To incorporate NIST Handbook 44 (2016 edition); to allow handwritten taxicab receipts; to liberalize scale requirements
AAM-10-17-00004-P	..... 03/08/18	Asian Long Horned Beetle (ALB)	To lift the ALB quarantine in eastern Queens since the insect has no longer been detected there. To make technical changes.

### ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

ASA-52-16-00012-P	..... 12/28/17	Repeal Part 830 and add new Part 830 regarding Ancillary Services and Therapies	Repeal obsolete regulations and incorporate provisions into a new Part with additional provisions
ASA-52-16-00013-P	..... 12/28/17	Repeal Parts 321 and 1055; add new Part 813 regarding Financing capital improvements	Repeal DSAS/DAAA regulations; consolidate provisions into new Part 813
ASA-52-16-00014-P	..... 12/28/17	Repeal of obsolete rules: Outpatient Chemical Dependency Services for Youth Programs and Services	To repeal obsolete rules of the Office

### CHILDREN AND FAMILY SERVICES, OFFICE OF

CFS-04-17-00002-P	..... 01/25/18	Foster home de-certification, application for de-certification, authorization for non-renewal and other notices	To implement laws requiring review to determine if an applicant held a certificate or letter of approval as a foster parent
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### CIVIL SERVICE, DEPARTMENT OF

CVS-11-16-00001-P	..... 03/16/17	Jurisdictional Classification	To delete positions from and classify positions in the exempt and non-competitive classes
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**Action Pending Index****NYS Register/March 15, 2017**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-11-16-00002-P	..... 03/16/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-11-16-00003-P	..... 03/16/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-14-16-00005-P	..... 04/06/17	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2016
CVS-15-16-00004-P	..... 04/13/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-15-16-00005-P	..... 04/13/17	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-15-16-00006-P	..... 04/13/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-15-16-00007-P	..... 04/13/17	Jurisdictional Classification	To delete positions from and classify positions in the exempt and non-competitive classes
CVS-15-16-00008-P	..... 04/13/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-20-16-00005-P	..... 05/18/17	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-20-16-00006-P	..... 05/18/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-26-16-00003-P	..... 06/29/17	Jurisdictional Classification	To classify positions in the exempt class and to delete positions from the non-competitive class
CVS-26-16-00004-P	..... 06/29/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-26-16-00005-P	..... 06/29/17	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-26-16-00006-P	..... 06/29/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-26-16-00007-P	..... 06/29/17	Jurisdictional Classification	To classify positions in the non-competitive classes
CVS-26-16-00008-P	..... 06/29/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-26-16-00009-P	..... 06/29/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-26-16-00010-P	..... 06/29/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-26-16-00011-P	..... 06/29/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-29-16-00001-P	..... 07/20/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-29-16-00002-P	..... 07/20/17	Jurisdictional Classification	To delete subheading & positions from; to add heading, subheading & positions in exempt and non-competitive classes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-29-16-00003-P	07/20/17	Jurisdictional Classification	To delete positions from the exempt and non-competitive classes
CVS-29-16-00004-P	07/20/17	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-29-16-00005-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-29-16-00006-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-29-16-00007-P	07/20/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-29-16-00008-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class
CVS-29-16-00009-P	07/20/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-29-16-00010-P	07/20/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-29-16-00011-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-29-16-00012-P	07/20/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-29-16-00013-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-29-16-00014-P	07/20/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-29-16-00015-P	07/20/17	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-29-16-00016-P	07/20/17	Jurisdictional Classification	To delete positions from the exempt and non-competitive classes
CVS-29-16-00017-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class
CVS-29-16-00018-P	07/20/17	Jurisdictional Classification	To delete subheading & positions from; to add heading, subheading & positions in exempt and non-competitive classes
CVS-35-16-00004-P	08/31/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-35-16-00005-P	08/31/17	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class.
CVS-35-16-00006-P	08/31/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-35-16-00007-P	08/31/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-35-16-00008-P	08/31/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-35-16-00009-P	08/31/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-35-16-00010-P	08/31/17	Jurisdictional Classification	To classify positions in the non-competitive class

**Action Pending Index****NYS Register/March 15, 2017**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-35-16-00011-P	08/31/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-35-16-00012-P	08/31/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00001-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00002-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00003-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00004-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class
CVS-44-16-00005-P	11/02/17	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-44-16-00006-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00007-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00008-P	11/02/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-16-00009-P	11/02/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-46-16-00001-P	11/16/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-46-16-00002-P	11/16/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-46-16-00003-P	11/16/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-46-16-00004-P	11/16/17	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-01-17-00006-P	01/04/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-01-17-00007-P	01/04/18	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-01-17-00008-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00009-P	01/04/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-01-17-00010-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00011-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00012-P	01/04/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-01-17-00013-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-01-17-00014-P	01/04/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-01-17-00015-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00016-P	01/04/18	Jurisdictional Classification	To classify positions in the labor class
CVS-01-17-00017-P	01/04/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-04-17-00003-P	01/25/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-04-17-00004-P	01/25/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-07-17-00003-P	02/15/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-17-00004-P	02/15/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-07-17-00005-P	02/15/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-17-00006-P	02/15/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-07-17-00007-P	02/15/18	Jurisdictional Classification	To classify a position non-competitive class.

**CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF**

CCS-39-16-00004-P	09/28/17	Parole Board decision making	To clearly establish what the Board must consider when conducting an interview and rendering a decision
CCS-02-17-00004-P	01/11/18	Inmate Grievance Program	Use grievance program to report sexual abuse/harassment, ensuring failure to file timely will not be a bar to seek legal review
CCS-10-17-00002-P	03/08/18	Payment of costs for prosecution of certain inmates and certain inmate-patients	To amend the rule in accordance with Mental Hygiene Law and to update the agency name
CCS-10-17-00003-P	03/08/18	Marriages During Confinement	Update a job title, clarify rules for existing program, set timing for notification of marriage, delete chaplains interview

**CRIMINAL JUSTICE SERVICES, DIVISION OF**

CJS-25-16-00004-P	06/22/17	Handling of Ignition Interlock Cases Involving Certain Criminal Offenders.	To promote public/traffic safety, offender accountability and quality assurance through the establishment of minimum standards.
CJS-51-16-00011-P	12/21/17	Pre-Employment Corrections Training	Allow employers to hire an individual who has already completed a large portion of the basic course, thereby saving resources
CJS-06-17-00002-P	02/08/18	Central Registry of Police Officers and Peace Officers	To further define and clarify definitions

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
*EDU-06-16-00004-RP .....	05/10/17	School counseling, certification requirements for school counselors and the school counselor program registration requirements.	To implement policy enacted by the Board of Regents to enhance existing public school district guidance programs to require comprehensive developmental counseling programs for all students in grades prekindergarten through 12 by certified school counselors
EDU-22-16-00006-EP .....	06/01/17	Teacher certification in career and technical education	Establishes a new pathway for Transitional A certificate
EDU-39-16-00033-EP .....	09/28/17	Assessments for the New York State Career Development and Occupational Studies (CDOS) Commencement Credential	Establish conditions and procedures for approval of work-readiness assessments for the CDOS credential
EDU-45-16-00005-EP .....	11/09/17	Annual Professional Performance Reviews (APPR) of classroom teachers and building principals	To provide New York City with flexibility in the student performance category for teacher and principal evaluations.
EDU-45-16-00006-P .....	11/09/17	Eligibility for Participation in Interscholastic Sports and Duration of Competition	Clarifies when a student's eligibility for athletic competition may be extended and the use of the athletic placement process
EDU-48-16-00007-P .....	11/30/17	Extension of time validity of certificates	To automatically provide for a three year time extension, instead of initial two-year extension for certain candidates
EDU-52-16-00011-P .....	12/28/17	Physical Presence in New York	Establish Fees and Procedures for Higher Education Out-of-State Institutions to Operate with a Physical Presence in New York
EDU-04-17-00005-P .....	01/25/18	Continuing education requirements for veterinarians and veterinary technicians	Provides that veterinarians may provide free spaying and neutering services as part of their continuing education requirements
EDU-04-17-00006-P .....	01/25/18	Requirements for online educational marketplaces	To implement the requirements of chapter 475 of the Laws of 2016
EDU-04-17-00007-P .....	01/25/18	Reissuances of initial certificates and supplementary certificates for teacher certification	Provide flexibility to teacher candidates who apply for a reissuance of an initial certificate or a supplementary certificate
EDU-04-17-00012-P .....	01/25/18	School Health Services	To conform school health regulations to Ch.58 of the Laws of 2006, Ch.57 of the Laws of 2013, and Ch.373 of the Laws of 2016
<b>ELECTIONS, STATE BOARD OF</b>			
SBE-03-17-00001-EP .....	01/18/18	Implementation of independent expenditure disclosure pursuant to the election law	The rule effectuates the amendments to Article 14 of the Election Law resulting from Chapter 286 of the Laws of 2016
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
ENV-11-16-00004-P .....	06/07/17	Solid Waste Management Regulations	Amend the rules that implement the solid waste program in New York State to incorporate changes in law and technology
ENV-31-16-00003-P .....	09/30/17	Waste Fuels	Update permit references, rule citations, monitoring, record keeping, reporting requirements, and incorporate federal standards



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
ENV-36-16-00002-P	11/02/17	Lake Champlain drainage basin	To reclassify certain surface waters in Lake Champlain Drainage Basin, in Clinton, Essex, Franklin, Warren, Washington counties
ENV-06-17-00001-P	03/31/18	Amendments to 6 NYCRR Part 617 (which implement the State Environmental Quality Review Act [Article 8 of the ECL])	The purpose of the rule making is to streamline the SEQR process without sacrificing meaningful environmental review
ENV-09-17-00001-P	03/01/18	Regional Hunting Regulations	To repeal regional hunting regulations
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
DFS-39-16-00007-P	09/28/17	Charges for Professional Health Services	Limit reimbursement of no-fault health care services provided outside NYS to highest fees in fee schedule for services in NYS
DFS-48-16-00006-P	11/30/17	Life Insurance and Annuity Non-guaranteed Elements	To establish standards for the determination and readjustment of non-guaranteed elements for life insurance and annuities
DFS-06-17-00014-P	02/08/18	Minimum Standards For Form, Content And Sale Of Health Insurance, Including Standards Of Full And Fair Disclosure	To ensure that medically necessary abortion coverage is maintained for all insureds
DFS-06-17-00015-P	02/08/18	Minimum Standards For Form, Content And Sale Of Health Insurance, Including Standards Of Full And Fair Disclosure	To allow coverage for the dispensing of contraceptives and codify additional guidelines
DFS-08-17-00009-P	02/22/18	Minimum Standards for the Form & Rating of Family Leave Benefits Coverage, Including a Risk Adjustment Mechanism	Implement statutory mandates for family leave benefits coverage set forth in Insurance Law § 4235(n) and Workers' Compensation Law §§ 204(2)(a), 208(2) and 209(3)(b)
DFS-09-17-00002-P	03/01/18	Valuation Of Life Insurance Reserves and Recognition Of The 2001 CSO Mortality Table And The 2017 CSO Mortality Table, et al.	To adopt the 2017 CSO Mortality Table
DFS-11-17-00003-P	03/15/18	Continuing Care Retirement Communities	Amend rules related to permitted investments, financial transactions, reporting requirements and add new optional contract type
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-45-16-00004-P	11/09/17	Anti-stacking of NSAIDs and diclofenac made a 48 hour NSAID	To enable the Commission to preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of
<b>HEALTH, DEPARTMENT OF</b>			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-16-16-00002-P	04/20/17	NYS Medical Indemnity Fund	To provide additional guidance and clarity to the Fund's requirements and operations

**Action Pending Index****NYS Register/March 15, 2017**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HEALTH, DEPARTMENT OF</b>			
HLT-35-16-00018-P	08/31/17	All Payer Database (APD)	To define the parameters for operating the APD regarding mandatory data submission by healthcare payers as well as data release
HLT-37-16-00024-P	09/14/17	Medical Use of Marihuana	To comprehensively regulate the manufacture, sale and use of medical marihuana
HLT-41-16-00002-EP	10/12/17	Residential Health Care Facility Quality Pool	To reward NYS facilities with the highest quality outcomes as determined by methodology developed by regulation
HLT-50-16-00008-P	12/14/17	HIV/AIDS Testing, Reporting and Confidentiality of HIV-Related Information	To simplify HIV testing consent and improve linkage to care
HLT-50-16-00009-P	12/14/17	Expansion of Minor Consent for HIV Treatment Access and Prevention	To allow qualified clinicians to provide antiretrovirals for treatment and prophylaxis
HLT-51-16-00003-P	12/21/17	Federal Conditions of Participation	To reflect amendments consistent with updated Federal Conditions of Participation
HLT-51-16-00006-P	12/21/17	Medical Use of Marihuana - Chronic Pain	To add any severe debilitating or life-threatening condition causing chronic pain
HLT-07-17-00008-P	02/15/18	Adult Day Health Care Services for Registrants with AIDS	To provide programs with the ability to register and service other high-need populations
HLT-07-17-00009-P	02/15/18	Public Water Systems	To incorporate federal rules and revisions to Public Health Law

**HIGHER EDUCATION SERVICES CORPORATION**

ESC-08-17-00003-P	02/22/18	Student eligibility criteria for the Tuition Assistance Program (TAP)	To clarify the graduation requirement for the Tuition Assistance Program (TAP)
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**INFORMATION TECHNOLOGY SERVICES, OFFICE OF**

ITS-01-17-00003-P	01/04/18	Agency Name Change	To update the agency name in Subtitle N of Title 9 NYCRR
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**JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE**

JPE-04-17-00001-EP	01/25/18	Procedure for requesting an exemption from publicly disclosing client information on a financial disclosure statement	To provide a procedure to apply for exemption from publicly disclosing client information on a financial disclosure statement
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**LABOR, DEPARTMENT OF**

LAB-08-17-00005-P	02/22/18	Public Employees Occupational Safety and Health Standards	To incorporate by reference updates to OSHA standards into the State Public Employee Occupational Safety and Health Standards
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**LONG ISLAND POWER AUTHORITY**

*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-04-06-00007-P	..... exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	..... exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
LPA-41-16-00007-P	..... exempt	PSEG Long Island's balanced billing program	To implement improvements to the balanced billing program
LPA-41-16-00008-P	..... exempt	The Authority's Power Supply Charge	To move certain capacity related power supply costs from base rates to the Authority's Power Supply Charge
LPA-41-16-00009-P	..... exempt	The Authority's Smart Grid Small Generator Interconnection Procedures	To update the Authority's Smart Grid Small Generator Interconnection Procedures
LPA-41-16-00010-P	..... exempt	The Authority's Revenue Decoupling Mechanism	To change the RDM from a semi-annual to an annual rate resetting process
LPA-41-16-00011-P	..... exempt	The Authority's Visual Benefits Assessment	To effectuate a settlement between the Authority and the Town of Southampton regarding collection of arrears
LPA-11-17-00013-P	..... exempt	The dynamic load management provisions of the Authority's Tariff.	To update the dynamic load management provisions of the Tariff in order to be consistent with PSC policy.
LPA-11-17-00014-P	..... exempt	The street lighting provisions of the Authority's Tariff for Electric Service.	To clarify provisions regarding notification of street lighting changes and resulting billing modifications.
<b>MOTOR VEHICLES, DEPARTMENT OF</b>			
MTV-08-17-00002-P	..... 02/22/18	Enforcement of Motor Vehicle Liability Insurance Laws	Makes minor technical & non-controversial amendments to update and clarify regulatory language
MTV-11-17-00005-P	..... 03/15/18	Private Service Bureaus	To delete the outdated DMV website address from the regulation
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
<b>PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF</b>			
PKR-09-17-00004-P	..... 03/01/18	Swimming in state park lands	To amend and clarify an outdated regulation
<b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b>			
PDD-05-17-00001-P	..... 02/01/18	Hearing Procedures Update	To correct a grammatical error in Title 14 NYCRR 602.5

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b>			
PDD-08-17-00006-P	02/22/18	Certification of Facilities and Home and Community Based Services (HCBS)	To update, reorganize, and relocate existing requirements for certification of programs and services in OPWDD's system
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-21-00-00007-P	exempt	Initial tariff schedule by Drew Road Association	To set forth the rates, charges, rules and regulations
*PSC-36-00-00039-P	exempt	Steam increase by Consolidated Edison Company of New York, Inc.	To provide for an annual increase in the first year of a proposed four-year rate plan
*PSC-01-01-00023-P	exempt	Installation, maintenance and ownership of service laterals by Rochester Gas and Electric Corporation	To update and clarify the provisions
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-39-03-00013-P	exempt	Complaint by State University of New York (SUNY) regarding a NYSEG operating agreement	To consider the complaint
*PSC-40-03-00015-P	exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00008-P	exempt	Lightened regulation by Sterling Power Partners, L.P.	To consider granting lightened regulation
*PSC-41-03-00010-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-42-03-00005-P	exempt	Interest rate by the Bath Electric, Gas, and Water Systems	To use an alternate interest rate



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-43-03-00036-P	..... exempt	Merchant function backout credit and transition balancing account by KeySpan Gas East Corporation	To continue the credit and account until May 31, 2005
*PSC-43-03-00037-P	..... exempt	Merchant function backout credit and transition balancing account by The Brooklyn Union Gas Company	To continue the credit and account until May 31, 2005
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-47-03-00024-P	..... exempt	Lightened regulation and financing approval by Medford Energy LLC	To consider the requests
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts receivable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts receivable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-39-06-00018-P	..... exempt	Order establishing rate plan by Central Hudson Gas & Electric Corporation and the Consumer Protection Board	To consider the petitions for rehearing
*PSC-39-06-00019-P	..... exempt	Investigation of Richard M. Osborne by Corning Natural Gas Corporation	To determine the interests, plans and commitments that will be in place if he is successful in blocking the merger of Corning Gas and C&T Enterprises
*PSC-39-06-00022-P	..... exempt	Uniform business practices and related matters by U.S. Energy Savings Corporation	To establish a contest period
*PSC-40-06-00005-P	..... exempt	Orion Integral automatic meter reading transmitter by New York State Electric and Gas Corporation	To permit gas utilities in NYS to use the Badger Meter Incorporated Orion Integral transmitters
*PSC-42-06-00011-P	..... exempt	Submetering of electricity by 225 5th LLC	To submeter electricity at 255 Fifth Ave., New York, NY

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-44-06-00014-P	..... exempt	Electric power outages in Northwest Queens by Consolidated Edison Company of New York, Inc.	To review the terms and conditions of the agreement
*PSC-45-06-00007-P	..... exempt	Alleged failure to provide electricity by Robert Andrews	To assess validity of allegations and appropriateness of fines
*PSC-01-07-00031-P	..... exempt	Enforcement mechanisms by National Fuel Gas Distribution Corporation	To modify enforcement mechanisms
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-23-08-00009-P	..... exempt	The transfer of certain real property with an original cost under \$100,000 in the Town of Throop	To consider the filing for the transfer of certain real property in the Town of Throop
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.



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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-25-10-00015-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2009	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2009
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-31-10-00007-P	..... exempt	Waiver of the Attachment 23 requirement in 2001 Rate Order that NMPC Board of Directors consist of "outside directors"	To consider the waiver of the requirement that a majority of NMPC Board of directors consist of "outside directors"
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-12-11-00008-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2010	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2010
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-13-11-00007-P	..... exempt	Budget allocations and use of System Benefits Charge funds to pay State Cost Recovery Fee	To encourage cost effective gas and electric energy conservation in the State
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-16-11-00011-P	..... exempt	The Energy Efficiency Portfolio Standard	To promote gas and electricity energy conservation programs in New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-23-11-00018-P	..... exempt	NYSERDA's energy efficiency program for low-income customers	To promote energy conservation in New York State
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-51-11-00010-P	..... exempt	The Total Resource Cost (TRC) test, used to analyze measures in the Energy Efficiency Portfolio Standard program	Petitioners request that the TRC test and/or its application to measures should be revised
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00019-P	..... exempt	EEPS programs administered by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation	To modify the C&I sector by combining multiple approved C&I programs into a single C&I program for each PA

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-19-12-00022-P	..... exempt	Approval of a combined heat and power performance program funding plan administered by NYSEERDA	Modify NYSEERDA's EEPS programs budget and targets to fund the CHP program
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00005-P	..... exempt	EEPS multifamily programs administered by Consolidated Edison Company of New York, Inc.	To redesign the multifamily electric and gas programs and modify the budgets and targets
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Conning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-35-12-00014-P	..... exempt	To implement an abandonment of White Knight's water system	To approve the implementation of abandonment of White Knight's water system
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gypsy Trail Club, Inc.'s long-term financing agreements	To exempt Gypsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-17-13-00008-P	..... exempt	Provision of historical utility pricing information for comparison purposes for residential ESCO customers	Provision of historical utility pricing information for comparison purposes for residential ESCO customers
*PSC-17-13-00010-P	..... exempt	Provision of historical pricing information for comparison purposes for residential ESCO customers	Provision of historical pricing information for comparison purposes for residential ESCO customers
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00010-P	..... exempt	Permission to write off and eliminate record keeping for regulatory reserves for Pensions and Other Post Retirement Benefits	To allow write off and eliminate record keeping of Pension and Other Post Retirement Benefits Reserves
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-37-13-00007-P	..... exempt	Dissolution of Garrow Water Works Company, Inc..	To allow for the dissolution of Garrow Water Works Company, Inc.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-39-13-00010-P	..... exempt	NY-Sun initiative within the Customer-Sited Tier of the RPS Program.	To increase the statewide adoption of customer sited photovoltaic solar generation through the NY-Sun Initiative.
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-04-14-00005-P	..... exempt	National Fuel Gas Corporation's Conservation Incentive Programs.	To modify National Fuel Gas Corporation's Non-Residential Conservation Incentive Program.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-16-14-00016-P	..... exempt	Waiver of Commission regulations governing termination of service.	Consider United Water New York Inc.'s proposal to expand termination of service provisions.
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-19-14-00018-P	..... exempt	Uniform System of Accounts, deferral of an expense item	Authorization of a deferral for an expense item beyond the end of the year in which it was incurred
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00010-P	..... exempt	Petitioner requests an order authorizing its participation in the next Main Tier solicitation offered under the RPS Program.	To enable continued operation of a 21 MW biomass fueled electric generating facility in Chateaugay, New York.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00017-P	..... exempt	Existing ratemaking and rate design practices will be revised with a focus on outcomes and incentives.	To use the Commission's ratemaking authority to foster a DER-intensive system.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00025-P	..... exempt	Allocation of uncommitted Technology and Market Development Funds to the Combined Heat & Power Performance Program.	To consider allocation of uncommitted Technology & Market Development Funds to the Combined Heat & Power Performance Program.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive, Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-34-14-00009-P	..... exempt	Whether to approve the Quadlogic S10N residential submeter.	Approval of the Quadlogic S10N Smart Meter for use in residential electric submetering is required by 16 NYCRR Parts 93 and 96.
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-36-14-00010-P	..... exempt	The procurement of Main Tier renewable resources will become the responsibility of the State's electric utilities.	To ensure the development of large-scale renewables in New York State to promote fuel diversity and reduce carbon emissions.
*PSC-36-14-00011-P	..... exempt	To defer pension settlement losses associated with retirements in the year ended March 31, 2014.	To resolve the ratemaking of the pension settlement loss.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00018-P	..... exempt	New electric utility demand response tariffs may be adopted.	To develop mature DER markets by enabling the development and use of DR as an economic system resource.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-07-15-00006-P	..... exempt	Whether to order a remand regarding payphone rates	Whether to order a remand regarding payphone rates and award refunds
*PSC-08-15-00009-P	..... exempt	Approval of a surcharge.	To allow or disallow Emerald Green Lake Louise Marie Water Company, Inc. for a surcharge.
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-10-15-00009-P	..... exempt	Contingency Tariffs regarding demand response issues	To consider Contingency Tariffs regarding demand response issues

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-12-15-00007-P	..... exempt	The Annual Reconciliation of Gas Expenses and Gas Cost Recoveries codified at Title 16 NYCRR Section 720.6.5	Examine the Annual Reconciliation of Gas Expenses and Gas Cost Recoveries mechanism
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00004-P	..... exempt	Rehearing of the Commission's Order Adopting Regulatory Policy Framework and Implementation Plan	Consideration of a petition for rehearing
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-20-15-00006-P	..... exempt	Implementation of the proposed Microgrid Business Model as a reliability and demand management resource	Consider implementation of the proposed Microgrid Business Model as a reliability and demand management resource
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-27-15-00014-P	..... exempt	Authorization for NYAW to accrue interest on internal reserve debit balances	To allow NYAW to accrue interest on internal reserve debit balances
*PSC-29-15-00018-P	..... exempt	Approval of ratemaking related to amendment a certificate of public convenience and necessity	To approve or reject the ratemaking aspects of SLG's petition to amend its certificate of public convenience and necessity

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-32-15-00012-P	..... exempt	Proposed standards for Commission oversight of Distributed Energy Resource suppliers.	To consider proposed standards for Commission oversight of Distributed Energy Resource suppliers.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-38-15-00008-P	..... exempt	Notice of Intent to submeter electricity	To consider the request of Community Counseling and Mediation to submeter electricity at 226 Linden Blvd., Brooklyn, New York
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-41-15-00005-P	..... exempt	Intergrow disputes National Grid's revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Intergrow for the new interconnection is appropriate
*PSC-41-15-00009-P	..... exempt	Main Tier of the Renewable Portfolio Standard program	To consider allocating funding from the Main Tier to an eligible hydroelectric facility
*PSC-41-15-00011-P	..... exempt	Deferral of incremental costs incurred in 2014 associated with increased gas leak response and repair activities	To consider a petition by Con Edison to defer certain incremental costs associated with gas leak response and repair activities
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-44-15-00030-P	..... exempt	System Improvement Plan mechanism	To consider Bath's petition to implement a SIP mechanism
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-48-15-00010-P	..... exempt	Lightened and incidental regulation of a 55 MW electric and steam generating facility.	Consider the lightened and incidental regulation of a 55 MW electric and steam generating facility.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-49-15-00009-P	..... exempt	Petition for rehearing of the Order Establishing Interim Ceilings on the Interconnection of Net Metered Generation	To consider a Petition for rehearing of the Order Establishing Interim Ceilings on the Interconnection of Net Metered Generation
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00002-P	..... exempt	Revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Tiashoke for the upgraded service is appropriate
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00011-P	..... exempt	Investigation that certain practices of Central Hudson Gas and Electric Corporation resulted in violations of HEFPA.	To consider the Petition of Nobody Leaves Mid-Hudson to investigate Central Hudson for claims of HEFPA violations.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00007-P	..... exempt	Transfer of water supply assets.	To consider the sale of water supply assets of Northeast Water Services to Suez Water Owego-Nichols, Inc.
*PSC-06-16-00010-P	..... exempt	Lakewood disputes National Grid's revenue assurance calculations, specifically the duration used.	To consider whether the revenue assurance National Grid is requiring of Lakewood for the new interconnection is appropriate.
*PSC-06-16-00012-P	..... exempt	Inclusion of a Farm and Food Community program in the community distributed generation program.	To consider the inclusion of a Farm and Food Community program in the community distributed generation program.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-07-16-00016-P	..... exempt	Use of the Electro Industries Shark 200 electric submeter in residential applications	To consider the use of the Electro Industries Shark 200 submeter
PSC-11-16-00013-P	..... exempt	Leakage survey and corrosion inspection requirements	To establish protocols and timeframes for completing leakage surveys and corrosion inspections on gas service lines
PSC-11-16-00017-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 140 West Street Condominium to submeter electricity at 100 Barclay Street, New York, NY
PSC-12-16-00004-P	..... exempt	The option to opt out of using an AMR device, and substitute an electro-mechanical meter, at no additional charge	To consider the option to opt out of using an AMR device, and substitute an electro-mechanical meter, at no additional charge
PSC-12-16-00007-P	..... exempt	Deferral of incremental costs incurred in 2015 associated with increased gas leak response and repair activities	To consider a petition by Con Edison to defer certain incremental costs associated with gas leak response and repair activities
PSC-12-16-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of Promenade Global LLC to submeter electricity at 150 West 225th Street, Bronx, New York.
PSC-13-16-00009-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of Franklin Place Condominium to submeter electricity at 5 Franklin Place, New York, New York
PSC-14-16-00007-P	..... exempt	Regulation of customer name changes on pending interconnection applications for grandfathered projects.	To consider regulation of customer name changes on pending interconnection applications for grandfathered projects.
PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
PSC-15-16-00012-P	..... exempt	Adequate service of Verizon New York, Inc.	To consider the adequacy of Verizon New York Inc.'s service quality
PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
PSC-19-16-00011-P	..... exempt	Public Street Lighting - LED Options	To consider the addition of LED options to O&R's SC No. 4 - Public Street Lighting
PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-20-16-00009-P	..... exempt	Standards for affiliate relationships.	To consider whether to permit the expansion of employees who are permitted to perform services on behalf of affiliates.
PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
PSC-22-16-00011-P	..... exempt	Petition for rehearing of the Order Modifying Standardized Interconnection Requirements and alternative enforcement mechanisms.	To ensure compliance with the Standardized Interconnection Requirements.
PSC-22-16-00013-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
PSC-23-16-00009-P	..... exempt	Transfer of assets and dissolution of Birch Hill Water Company Inc.	To consider the transfer of assets and dissolution of the Birch Hill Water Company Inc.
PSC-23-16-00013-P	..... exempt	Acquisition of all of the assets of Beaver Dam Lake Water Corporation	To consider the acquisition of all assets of Beaver Dam Lake Water Corporation by New York American Water Company Inc.
PSC-24-16-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 220 Central Park South, New York, New York.
PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
PSC-25-16-00008-P	..... exempt	Consideration of the Avangrid Implementation Plan and audit recommendations.	To consider Avangrid's Implementation Plan.
PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
PSC-25-16-00010-P	..... exempt	Consideration of Consolidated Edison Company of New York, Inc.'s Implementation Plan and audit recommendations.	To consider Consolidated Edison Company of New York, Inc.'s Implementation Plan.
PSC-25-16-00014-P	..... exempt	Consideration of the National Grid companies' Implementation Plan and audit recommendations.	To consider the National Grid companies' Implementation Plan.
PSC-25-16-00015-P	..... exempt	Consideration of the National Fuel Gas Distribution Corporation Implementation Plan and audit recommendations.	To consider National Fuel Gas Distribution Corporation's Implementation Plan.
PSC-25-16-00016-P	..... exempt	Consideration of the Orange and Rockland Utilities, Inc. Implementation Plan and audit recommendations.	To consider Orange and Rockland Utilities, Inc.'s Implementation Plan.
PSC-25-16-00017-P	..... exempt	Consideration of the Central Hudson Gas & Electric Corporation Implementation Plan and audit recommendations.	To consider Central Hudson Gas & Electric Corporation's Implementation Plan.

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<b>PUBLIC SERVICE COMMISSION</b>			
PSC-25-16-00018-P	..... exempt	Proposed Community Choice Aggregation Data Security Agreement.	To ensure appropriate consumer protections in Community Choice Aggregation programs.
PSC-25-16-00019-P	..... exempt	Revision of customer service metrics.	To consider revisions to customer service metrics previously approved by the Commission.
PSC-25-16-00022-P	..... exempt	Transfer of ownership interests in Crestwood Pipeline East LLC.	Consideration of transfer of ownership interests in Crestwood Pipeline East LLC.
PSC-25-16-00023-P	..... exempt	Use of the Elster Solutions Energy Axis transponder.	To consider the use of the Elster Solutions Energy Axis transponder.
PSC-25-16-00024-P	..... exempt	Pole Attachment Rules.	To determine that the Commission's existing pole attachment rules apply to wireless providers.
PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
PSC-25-16-00027-P	..... exempt	Use of the Badger Meter HR E LCD High Resolution E Series Encoder Register.	To consider the use of the Badger Meter HR E LCD High Resolution E Series Encoder Register.
PSC-25-16-00029-P	..... exempt	Use of the Orion Water Endpoints meter reading system.	To consider the use of the Orion Water Endpoints.
PSC-28-16-00015-P	..... exempt	Major water rate filing.	To consider a proposal to increase revenues by approximately \$8.49 million or 8.3% and consolidate tariffs and rates.
PSC-28-16-00016-P	..... exempt	A petition for reconsideration of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
PSC-29-16-00023-P	..... exempt	Use of the Silver Spring Network Residential Gas Interface Management Unit - IMU 300 and IMU 300A.	To consider the use of the Silver Spring Network Residential Gas Interface Management Unit - IMU 300 and IMU 300A.
PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
PSC-29-16-00025-P	..... exempt	Proposed modifications to gas safety violations metric adopted in Case 12-G-0202.	To consider NMPC's petition to modify gas safety violations metric.
PSC-30-16-00006-P	..... exempt	The application of NYSEG's tariff to a remote net metering host account owned by Cornell University	To determine the appropriate tariff treatment for the Cornell account
PSC-30-16-00007-P	..... exempt	The Municipal Electric and Gas Alliance's Community Choice Aggregation Implementation Plan	To ensure appropriate consumer protections

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<b>PUBLIC SERVICE COMMISSION</b>			
PSC-32-16-00005-P	..... exempt	Major gas rate filing.	To consider an increase in National Fuel's gas delivery revenues of approximately \$41.7 million or 15.27%.
PSC-32-16-00007-P	..... exempt	Utility DSIPs to achieve the Commission's Reforming the Energy Vision (REV) initiative.	Development of utility DSIPs for improving utility planning and operations functions under REV.
PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
PSC-33-16-00001-EP	..... 08/17/17	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
PSC-33-16-00003-P	..... exempt	Use of the Silver Spring Network communication device in utility metering applications.	To consider the use of the Silver Spring Network communication device.
PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
PSC-34-16-00005-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00006-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00008-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00009-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00010-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00011-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00012-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00013-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00015-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-36-16-00003-P	..... exempt	Petition regarding the Commission's July 14, 2016 Order Denying Petition.	To consider the terms and conditions of utility service received by Fastrac Markets, LLC.
PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
PSC-36-16-00005-P	..... exempt	Disposition of tax refunds received by New York American Water Company, Inc.	To determine the disposition of tax refunds and other related matters.
PSC-37-16-00014-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 301 East 61st Street, New York, New York.
PSC-37-16-00015-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 10 Sullivan Condominium to submeter electricity at 10 Sullivan Street, New York, New York.
PSC-38-16-00006-P	..... exempt	Request for waiver of the individual metering requirements of Opinion 76-17 and 16 NYCRR Part 96	To consider the request for waiver of the individual metering requirements of Opinion 76-17 and 16 NYCRR Part 96
PSC-39-16-00012-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00013-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00014-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00015-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00016-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00017-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00018-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00019-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00020-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00021-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00022-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00023-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00024-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-39-16-00025-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00026-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00027-P	..... exempt	The Clean Energy Standard.	To promote and maintain renewable and zero-emission electric energy resources.
PSC-39-16-00028-P	..... exempt	Consolidated Edison Company of New York, Inc.'s replevin acts and practices.	To review Consolidated Edison Company of New York, Inc.'s replevin acts and practices.
PSC-39-16-00029-P	..... exempt	Minor rate filing.	To consider an increase in annual revenues of about \$158,709 or 20%.
PSC-40-16-00013-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
PSC-40-16-00014-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
PSC-40-16-00015-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 175 Huguenot Street, New Rochelle, New York.
PSC-40-16-00016-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 301 East 50th Street, New York, New York.
PSC-40-16-00017-P	..... exempt	Request for waiver of 16 NYCRR sections 96.5(a) and 96.6(b)	To consider the request for waiver of 16 NYCRR sections 96.5(a) and 96.6(b)
PSC-40-16-00018-P	..... exempt	Petition for commercial electric meter.	To consider the petition to use the Itron OpenWay Riva commercial meter in electric metering applications.
PSC-40-16-00019-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
PSC-40-16-00020-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 501 Broadway Troy, LLC to submeter electricity at 501 Broadway, Troy, New York.
PSC-40-16-00021-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
PSC-40-16-00023-P	..... exempt	Major gas rate filing.	To consider an increase in Corning's gas delivery revenues of approximately \$5.9 million or 44.7%.
PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
PSC-40-16-00026-P	..... exempt	Compliance filing establishing an interruptible gas service sales rate.	To consider RG&E's proposed revisions to establish an interruptible gas service sales rate.
PSC-40-16-00027-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Marathon for its apparent non-compliance with Commission requirements.

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<b>PUBLIC SERVICE COMMISSION</b>			
PSC-40-16-00028-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on ABC for its apparent non-compliance with Commission requirements.
PSC-42-16-00008-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-42-16-00010-P	..... exempt	Request for a limited waiver of certain tariff provisions.	To consider a request for a limited waiver of the tariff's unauthorized gas usage and non-compliance penalty provisions.
PSC-42-16-00014-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
PSC-43-16-00003-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of Haus LLC to submeter electricity at 152 Freeman Street, Brooklyn, New York.
PSC-43-16-00004-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 50 West Street Condominium to submeter electricity at 50 West Street, New York, New York.
PSC-44-16-00015-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs	To consider a surcharge to recover costs of the Dynamic Load Management Programs
PSC-44-16-00016-P	..... exempt	Consideration of comments made by NFG regarding the audit process and the use of guidance documents in regulation	To consider NFG's arguments and if the Commission should modify its practices
PSC-44-16-00017-P	..... exempt	Valuation of and compensation for electricity generated by distributed resources	To implement framework that will benefit ratepayers and customer-generators and further State policy
PSC-44-16-00018-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 325 Kent Avenue, Brooklyn, New York
PSC-44-16-00020-P	..... exempt	Transfer of a parcel of property located in the Town of North Castle	To consider the transfer of a parcel of property from Con Edison to the Town of North Castle
PSC-45-16-00008-P	..... exempt	Petition to use a commercial electric meter.	To consider the petition to use the Landis+Gyr S4X Commercial Meter with Gridstream Series 5 RF Mesh IP AMI.
PSC-45-16-00009-P	..... exempt	Petition to use a residential gas meter.	To consider the petition to use the Elster/ American AT210TC gas meter in residential applications.
PSC-45-16-00010-P	..... exempt	Petition to use a residential gas meter.	To consider the petition to use the Sensus RT230TC temperature compensated gas meter in residential applications.
PSC-45-16-00011-P	..... exempt	Petition to use a residential electric meter.	To consider the petition to use the Landis+Gyr Focus AXe Meter with Gridstream Series 5 RF Mesh IP AMI.
PSC-45-16-00012-P	..... exempt	Disposition of property tax benefits.	To consider the disposition of property tax benefits.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-45-16-00013-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the Interconnection Survey Process and Proposed Earnings Adjustment Mechanism.
PSC-45-16-00014-P	..... exempt	Disposition of property tax benefits.	To consider the disposition of property tax benefits.
PSC-45-16-00015-P	..... exempt	Arbor Hills Water Works Inc.'s rates for the provision of water.	To consider an increase in Arbor Hills Water Works Inc.'s annual water revenues by approximately \$36,500 or 45%.
PSC-45-16-00016-P	..... exempt	Boniville Water Company Inc.'s rates for the provision of water.	To consider an increase in Boniville Water Company Inc.'s annual water revenues by approximately \$25,000 or 45%.
PSC-45-16-00017-P	..... exempt	Knolls Water Co., Inc.'s rates for the provision of water.	To consider an increase in Knolls Water Co., Inc.'s annual water revenues by approximately \$26,600 or 45%.
PSC-45-16-00018-P	..... exempt	Proposed water supply agreement between NYAW and Glen Cove.	To consider the proposed water supply agreement between NYAW and Glen Cove.
PSC-46-16-00009-P	..... exempt	Waiver of the ten-member minimum for CDG projects in appropriate circumstances.	Consideration of appropriate treatment of small CDG projects on multi-resident properties.
PSC-46-16-00011-P	..... exempt	Excess generation credits held by CDG project sponsors at the end of an annual billing period.	Consideration of appropriate treatment of excess generation credits.
PSC-46-16-00013-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of Hudson Cornell Tech LLC, to submeter electricity at 1 East Loop Road, New York, New York.
PSC-46-16-00014-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 846 6th Avenue Venture, to submeter electricity at 50 West 30th Street, New York, New York.
PSC-46-16-00015-P	..... exempt	The eligibility of street lighting and area lighting accounts for remote net metering.	Consideration of eligibility for remote net metering.
PSC-46-16-00016-P	..... exempt	Tariff revisions regarding Central Hudson's LED lighting options under its service classifications, SC No. 5 and SC No. 8.	To consider revisions to Central Hudson's LED lighting options in area lighting and street lighting service classifications.
PSC-46-16-00018-P	..... exempt	Con Edison's proposed pilot shared solar program for low-income customers.	Consideration of the authorization and appropriate design of a utility-owned low-income shared solar program.
PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
PSC-47-16-00011-P	..... exempt	Petition to use residential electric meters	To consider the petition of Itron, Inc. to use the Itron C2SRD and CN2SRD in residential electric meter applications
PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
PSC-47-16-00015-P	..... exempt	Joint Utilities' SDSIP to achieve the Commission's Reforming the Energy Vision (REV) initiative	Development of utilities' joint SDSIP for improving utility planning and operations functions under REV
PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
PSC-49-16-00003-P	..... exempt	Stock Acquisition.	To consider the transfer of all S&S Rhinebeck Water-Works Corporation stock to RIC Rhinebeck and MHMG-KM Rhinebeck.
PSC-49-16-00004-P	..... exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
PSC-49-16-00005-P	..... exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
PSC-49-16-00006-P	..... exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
PSC-49-16-00007-P	..... exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
PSC-50-16-00004-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 27-19 44th Drive, Long Island City, New York, and waiver request
PSC-50-16-00005-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 2 North 6th Place Owner, LLC, to submeter electricity at 2 North 6th Place, Brooklyn, NY
PSC-50-16-00007-P	..... exempt	Utility obligation to provide three phase service within residential subdivisions free of charge for first 100 feet	To consider Niagara Mohawk's obligations to provide 100 feet of free three phase service pursuant to PSL Section 31(4)
PSC-51-16-00008-P	..... exempt	Petition to submeter electricity.	To consider the petition of 172 Madison Condominium to submeter electricity at 172 Madison Avenue, New York, New York.
PSC-51-16-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 111 Murray Street Condominium, to submeter electricity at 111 Murray Street, New York, NY.
PSC-52-16-00003-P	..... exempt	Transfer of controlling interest and associated financial transactions.	To consider the transfer of controlling interest and associated financial transactions.
PSC-52-16-00004-P	..... exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
PSC-52-16-00005-P	..... exempt	Lease of real property.	To consider NYSEG's request to lease a portion of certain real properties located throughout New York State.
PSC-52-16-00007-P	..... exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-52-16-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 1060 Rev. James A. Polite Avenue, Bronx, New York.
PSC-01-17-00018-P	..... exempt	The addition of Company-owned LED options under SC No. 1 - Street Lighting Service	To consider the addition of Company-owned LED lighting options for customers served under SC No. 1
PSC-01-17-00019-P	..... exempt	The 2016 Electric Emergency Response Plans for New York's six major electric utilities	To consider the 2016 Electric Emergency Response Plans for New York's six major electric utilities
PSC-01-17-00020-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP)	To consider whether to impose consequences on AP&G for its apparent non-compliance with Commission requirements
PSC-01-17-00021-P	..... exempt	Petition for clarification	To consider the petition for clarification of the Order Authorizing Submetering, Ordering Clause 4
PSC-01-17-00022-P	..... exempt	The addition of Company-owned LED options under SC No. 3 - Standard Street Lighting Service	To consider the addition of Company-owned LED lighting options for customers served under SC No. 3
PSC-01-17-00023-P	..... exempt	Transfer of certain pipeline facilities and applicability of Public Service Law (PSL) Article 4	To consider a request to transfer certain pipeline facilities and a declaration regarding application of the PSL
PSC-02-17-00002-EP	..... exempt	Tariff revisions to extend existing temporary gas rate credits	Protect general welfare of customers by approving tariff revisions to extend existing temporary gas rate credits
PSC-02-17-00003-EP	..... exempt	Tariff revisions to extend existing temporary electric rate credits	Protect general welfare of customers by approving tariff revisions to extend existing temporary electric rate credits
PSC-02-17-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 416 Kent Avenue, Brooklyn, NY and 420 Kent Avenue, Brooklyn, NY.
PSC-02-17-00009-P	..... exempt	Index pricing points for gas over and under deliveries.	To consider a proposal by Central Hudson to update the index pricing points for over and under deliveries of gas.
PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
PSC-02-17-00011-P	..... exempt	Proposed steam tariff revisions related to prepayment for interconnection, location of service lines and access to premises.	To consider steam tariff revisions related to prepayment for interconnection, location of service lines and access to premises.
PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
PSC-03-17-00002-P	..... exempt	Appointment of a temporary operator.	To consider whether to appoint a temporary operator for Arbor Hills Waterworks, Inc.
PSC-03-17-00003-P	..... exempt	Good Energy, L.P.'s Community Choice Aggregation Implementation Plan and Data Protection Plan.	To ensure appropriate consumer protections.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-03-17-00004-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 1524 Sheepshead Bay Road, Brooklyn, New York.
PSC-03-17-00005-P	..... exempt	Initial Tariff Schedule which includes rates, charges, rules and regulations for water service.	To consider the proposed Initial Tariff Schedule and initial rate for water service.
PSC-03-17-00006-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of West 30th HL LLC to submeter electricity at 520 West 30th Street, New York, New York.
PSC-03-17-00007-P	..... exempt	Proposed electric tariff revisions to Form I - Customer Service Agreement for SC 12.	To consider proposed electric tariff revisions to Form I - Customer Service Agreement for SC 12.
PSC-03-17-00008-P	..... exempt	Petition to submeter electricity.	To consider the petition to submeter electricity at 33 Bond Street, Brooklyn, New York and the request for waiver of 16 NYCRR.
PSC-04-17-00008-P	..... exempt	Revisions to the Dynamic Load Management Programs	To consider revisions to the Dynamic Load Management Programs
PSC-04-17-00009-P	..... exempt	Revisions to the Dynamic Load Management Programs	To consider revisions to the Dynamic Load Management Programs
PSC-04-17-00010-P	..... exempt	The inclusion of interest in a payment compensating developer for work performed in preparation for electric service	To consider whether to include interest in the calculation of the amount owed in compensation
PSC-04-17-00011-P	..... exempt	Revisions to the Dynamic Load Management Programs	To consider revisions to the Dynamic Load Management Programs
PSC-05-17-00002-P	..... exempt	Minor rate filing.	To consider an increase in annual revenues of about \$1,526,480 or 8.44%.
PSC-05-17-00003-P	..... exempt	Grant of easement to real property.	To consider RG&E's request to grant an Environmental Easement for 755 Brooks Avenue, Rochester, New York.
PSC-05-17-00004-P	..... exempt	Petition to submeter electricity.	To consider the petition to submeter electricity at 336 Himrod Street, Brooklyn, New York and waiver request of § 96.5(k)(3).
PSC-06-17-00004-P	..... exempt	Waiver to permit National Fuel Resources, Inc. to serve low-income customers	To consider the Petition for a waiver
PSC-06-17-00005-P	..... exempt	Waiver and rates for Saratoga Water Services, Inc. to provide water service to GLOBALFOUNDRIES U.S. Inc.	To consider the waiver and rates for Saratoga Water Services, Inc. to provide water service to GLOBALFOUNDRIES U.S. Inc.
PSC-06-17-00006-P	..... exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
PSC-06-17-00007-P	..... exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
PSC-06-17-00008-P	..... exempt	Waiver to permit Ambit New York, LLC to serve low-income customers.	To consider the Petition for a waiver.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-06-17-00009-P	..... exempt	To include additional fixture types for Rate C (customer owned and maintained) to SC No. 8.	To consider adding additional fixture types for Rate C (customer owned and maintained) to SC No. 8.
PSC-06-17-00010-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of VillaBXV Condominium to submeter electricity at 15 Kensington Road, Bronxville, New York.
PSC-06-17-00011-P	..... exempt	A waiver to permit Zone One Energy LLC to serve low-income customers.	To consider the Petition for a waiver.
PSC-06-17-00012-P	..... exempt	Proposed transfers, financing, corporate reorganization, and lightened regulation of a generating facility.	To consider the proposed transfers, financing, corporate reorganization, and lightened regulation of a generating facility.
PSC-06-17-00013-P	..... exempt	Extension of the Brooklyn/Queens Demand Management Program.	To extend the Brooklyn/Queens Demand Management Program.
PSC-07-17-00011-P	..... exempt	Petition to submeter electricity	To consider the petition of One West End Avenue Condominium to submeter electricity at 1 West End Avenue, New York, New York
PSC-07-17-00012-P	..... exempt	Implementation program rules for the Renewable Energy Standard (RES) and Zero-Emission Credit (ZEC) requirement	To promote and maintain renewable and zero-emission electric energy resources
PSC-07-17-00013-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	To consider a waiver and approval of terms of a service agreement
PSC-07-17-00014-P	..... exempt	Petition for rehearing of the December 16, 2016 Order with respect to rate proceedings in Cases 16-G-0058 and 16-G-0059	To consider the petition for rehearing of the December 16, 2016 Order
PSC-07-17-00015-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP)	To consider whether to impose consequences on Spark for its apparent non-compliance with Commission requirements
PSC-07-17-00016-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	To consider a waiver and approval of terms of a service agreement
PSC-07-17-00017-P	..... exempt	Disposition of tax refunds and other related matters	To consider the disposition of tax refunds and other related matters
PSC-07-17-00018-P	..... exempt	Waiver of certain Commission requirements related to the distribution of telephone directories	To consider a waiver of certain Commission requirements related to the distribution of telephone directories
PSC-07-17-00019-P	..... exempt	Deferral and recovery of incremental costs	To consider deferring costs related to water main leak repairs for subsequent recovery
PSC-07-17-00020-P	..... exempt	Notice of Intent to submeter electricity and request for a waiver of 16 NYCRR § 96.5(k)(3)	To consider the Notice of Intent to submeter electricity at 988 East 180th St., Bronx, NY and waiver request of § 96.5(k)(3)
PSC-08-17-00007-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 327 Central Park West, New York, New York.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-08-17-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 45 East 22nd Street, New York, New York.
PSC-09-17-00005-P	..... exempt	Notice of Intent to submeter electricity and waiver request of energy audit requirement	To consider the Notice of Intent to submeter electricity at 2351-2359 Adam Clayton Powell Jr. Blvd., NY, NY and waiver request
PSC-09-17-00006-P	..... exempt	Waiver of incremental metering costs associated with Voluntary Time of Use (VTOU) rates	To waive the incremental \$3.36 per month customer charge for certain VTOU rate customers
PSC-09-17-00007-P	..... exempt	Petition to submeter electricity	To consider the petition of 587-91 Third Owner LLC to submeter electricity at 591 Third Avenue, New York, New York
PSC-09-17-00008-P	..... exempt	Petition to submeter electricity	To consider the petition of Red Hook 160, LLC to submeter electricity at 160 Imlay Street, Brooklyn, New York
PSC-09-17-00009-P	..... exempt	Extension of an outstanding loan's repayment schedule	To consider the extension of an outstanding loan's repayment schedule
PSC-11-17-00006-P	..... exempt	Use of the Itron 100W+, to collect and transmit meter data, in water metering applications.	To consider the use of the Itron 100W+, to collect and transmit meter data in water metering applications.
PSC-11-17-00007-P	..... exempt	Minor rate filing.	To consider an increase in annual revenues of about \$395,756, or 5.3%.
PSC-11-17-00008-P	..... exempt	To effectuate amendments to 49 CFR Part 192 mandated by the Pipeline and Hazardous Materials Safety Administration.	To consider revisions to its gas tariff schedule regarding the installation of excess flow valves.
PSC-11-17-00009-P	..... exempt	Petition to submeter electricity.	To consider the petition of 8th and C HDFC to submeter electricity at 334 East 8th Street, New York, New York.
PSC-11-17-00010-P	..... exempt	To permit the export of electricity discharged by battery storage systems during demand-response events under the BQDM Program.	To consider revising General Rule 8.3 - Generating Facilities Used on an Emergency Basis for Export.
PSC-11-17-00011-P	..... exempt	Proposed transfers of property interests between APGI and Arconic Inc. and incidental regulation of water-works corporation.	To consider proposed transfers of property interests and incidental regulation of water-works corporation.
PSC-11-17-00012-P	..... exempt	Enter into a long-term loan agreement with the EFC.	To consider HCHA's petition to enter into a long-term loan agreement with the EFC and establish a surcharge mechanism.
<b>STATE UNIVERSITY OF NEW YORK</b>			
SUN-06-17-00003-P	..... 02/08/18	proposed amendments to traffic and parking regulations at SUNY Binghamton	Amend existing regulations to update traffic and parking regulations
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
TAF-48-16-00003-P	..... 11/30/17	Division of Taxation and Finance Powers of Attorney	To simplify and expedite the process for filing Powers of Attorney with the Division of Taxation and Finance



**Action Pending Index****NYS Register/March 15, 2017**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
TAF-51-16-00002-EP	..... 12/21/17	Metropolitan Transportation Business Tax Surcharge	To provide metropolitan transportation business tax rate for tax year 2017
TAF-09-17-00003-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period April 1, 2017 through June 30, 2017
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
TDA-01-17-00002-EP	..... 01/04/18	Emergency measures for the homeless during inclement winter weather	To mitigate the effects and impact of inclement winter weather on individuals experiencing homelessness
<b>TRANSPORTATION, DEPARTMENT OF</b>			
TRN-10-17-00001-P	..... 03/08/18	The Uniform Code of Bridge Inspection	Define applicability / terms, inspection details, inspector qualifications, reporting, etc.
<b>WORKERS' COMPENSATION BOARD</b>			
WCB-08-17-00010-P	..... 02/22/18	Paid Family Leave	Identify requirements and process for implementation of paid family leave program

# ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

## SEALED BIDS

### UPGRADE ELECTRIC DISTRIBUTION SYSTEM Willard Drug Treatment Center Willard, Seneca County

Sealed bids for Project Nos. 42378-C, 42378-H, 42378-E, comprising separate contracts for Construction Work, HVAC Work and Electrical Work, Upgrade Electric Distribution System, Willard Drug Treatment Center, 7116 County Route 132, Willard (Seneca County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, March 29, 2017, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$48,500 for C, \$22,600 for H and \$353,000 for E.

All successful bidders on a multiple trade project or the successful bidder on a single trade project will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C, between \$250,000 and \$500,000 for H and between \$14,000,000 and \$15,000,000 for E.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 752 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on March 15, 2017 at OGS Willard Field Office, Route 96-A, Grandview Building, Willard, NY. Prospec-

tive bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of David Kannus, (607) 869-5394 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority- and women-owned business enterprise participation in this project by contractors, subcontractors and suppliers under the Contract, and all bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to [D&C.Plans@ogs.ny.gov](mailto:D&C.Plans@ogs.ny.gov), or call 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By *John D. Lewyckyj*, Deputy Director  
OGS - Design & Construction Group

### REHABILITATE CLEAR LAKE DAM Collins Correctional Facility Collins, Erie County

Sealed bids for Project No. 44864-C, for Construction Work, Rehabilitate Clear Lake Dam, Collins Correctional Facility, Middle Road, Collins (Erie County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervisions, until 2:00 p.m. on Wednesday, March 8, 2017, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$87,500 for C.

All successful bidders on a multiple trade project or the successful bidder on a single trade project will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of

public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$3,000,000 and \$4,000,000 for C.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 712 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 1:00 p.m. on March 2, 2017 at Collins Correctional Facility, 3568 Genesee Road, Lawtons, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Kim Himes, (716) 532-5151 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority- and women-owned business enterprise participation in this project by contractors, subcontractors and suppliers under the Contract, and all bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to [D&C.Plans@ogs.ny.gov](mailto:D&C.Plans@ogs.ny.gov), or call 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By John D. Lewyckyj, Deputy Director  
OGS - Design & Construction Group

## REPLACE ENTRANCE DOORS Auburn Correctional Facility Auburn, Cayuga County

Sealed bids for Project No. 44934-C, for Construction Work, Replace Entrance Doors, Buildings 2, 4, 5 & 7, Auburn Correctional Facility, 135 State Street, Auburn (Cayuga County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, March 29, 2017, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$23,300 for C.

All successful bidders on a multiple trade project or the successful bidder on a single trade project will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for C.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 298 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on March 16, 2017 at Auburn Field Office, 29 W. Garden Street, Auburn, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Kevin Schlieper, (315) 253-8282 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority- and women-owned business enterprise participation in this project by contractors, subcontractors and suppliers under the Contract, and all bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be

obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to [D&C.Plans@ogs.ny.gov](mailto:D&C.Plans@ogs.ny.gov), or call 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

*By John D. Lewyckyj, Deputy Director  
OGS - Design & Construction Group*

**REPLACE  
TOILETS AND FLUSHOMETERS**  
Eastern Correctional Facility  
Napanoch, Ulster County

Sealed bids for Project Nos. 44939-C, 44939-P, 44939-E, comprising separate contracts for Construction Work, Plumbing Work, and Electrical Work, Replace Toilets & Flushometers, Buildings 3 & 4, Eastern Correctional Facility, 30 Institution Road, Napanoch (Ulster County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, March 22, 2017, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$30,800 for C, \$194,900 for P, and \$19,300 for E.

All successful bidders on a multiple trade project or the successful bidder on a single trade project will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for C, between \$7,000,000 and \$8,000,000 for P, and between \$250,000 and \$500,000 for E.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 1,075 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on March 9, 2017 at Eastern Correctional Facility, OGS Field Office, 601A Berne Road, Napanoch, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Susanne VanAlstyne, (845) 647-2477 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority- and women-owned business enterprise participation in this project by contractors, subcontractors and suppliers under the Contract, and all bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction, Plumbing and Electrical Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to [D&C.Plans@ogs.ny.gov](mailto:D&C.Plans@ogs.ny.gov), or call 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

*By John D. Lewyckyj, Deputy Director  
OGS - Design & Construction Group*

**REPLACE  
FINISHED FLOOR**  
Mid State Correctional Facility  
Marcy, Oneida County

Sealed bids for Project No. 44954-C, for Construction Work, Replace Finished Floor, Line Up Room & Sally Port, Building 22, Mid State Correctional Facility, 9005 River Road, Marcy (Oneida County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, March 29, 2017, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$20,200 for C.

All successful bidders on a multiple trade project or the successful bidder on a single trade project will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 for C.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between



OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 160 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on March 16, 2017 at OGS Marcy Field Office, 6325 State Route 291, Marcy, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Ashley Borzo, (315) 736-5770 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority- and women-owned business enterprise participation in this project by contractors, subcontractors and suppliers under the Contract, and all bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to [D&C.Plans@ogs.ny.gov](mailto:D&C.Plans@ogs.ny.gov), or call 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By John D. Lewyckyj, Deputy Director  
OGS - Design & Construction Group

## UPGRADE ELECTRICAL SYSTEM Edgecombe Correctional Facility New York, New York County

Sealed bids for Project No. 44984-E, for Electrical Work, Upgrade Electrical System, Edgecombe Correctional Facility, 611 Edgecombe Avenue, New York (New York County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, March 22, 2017, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$43,300 for E.

All successful bidders on a multiple trade project or the successful bidder on a single trade project will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for E.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 370 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on March 9, 2017 at Edgecombe Correctional Facility, 611 Edgecombe Avenue, New York, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Robin Griffiths, (845) 365-0730 Ext. 101 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority- and women-owned business enterprise participation in this project by contractors, subcontractors and suppliers under the Contract, and all bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.



The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to [D&C.Plans@ogs.ny.gov](mailto:D&C.Plans@ogs.ny.gov), or call 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By *John D. Lewyckyj, Deputy Director*  
OGS - Design & Construction Group

**REHABILITATE  
STAIRCASE**  
Mid State Correctional Facility  
Marcy, Oneida County

Sealed bids for Project No. 45177-C, for Construction Work, Rehabilitate Staircase, Building 9, Mid State Correctional Facility, River Road, Marcy (Oneida County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, March 22, 2017, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$21,700 for C.

All successful bidders on a multiple trade project or the successful bidder on a single trade project will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 for C.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 194 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on March 9, 2017 at Marcy Field Of-

fice, 6325 Route 291, Marcy, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Ashley Borza, (315) 736-5770 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority- and women-owned business enterprise participation in this project by contractors, subcontractors and suppliers under the Contract, and all bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to [D&C.Plans@ogs.ny.gov](mailto:D&C.Plans@ogs.ny.gov), or call 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By *John D. Lewyckyj, Deputy Director*  
OGS - Design & Construction Group

**REHABILITATE  
PEDESTRIAN COMPOUND**  
Gowanda Correctional Facility  
Gowanda, Erie County

Sealed bids for Project Nos. 45193-C, 45193-E, comprising separate contracts for Construction Work and Electrical Work, Rehabilitate Pedestrian Compound, Buildings 123 & 124, Gowanda Correctional Facility, South Road, Gowanda (Erie County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, March 22, 2017, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$23,100 for C and \$7,300 for E.

All successful bidders on a multiple trade project or the successful bidder on a single trade project will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 for C and between \$50,000 and \$100,000 for E.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is

included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 352 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on March 9, 2017 at OGS Field Office, 14312 Taylor Hollow Road, Gowanda, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Kim Himes, (716) 532-5151 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority- and women-owned business enterprise participation in this project by contractors, subcontractors and suppliers under the Contract, and all bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to [D&C.Plans@ogs.ny.gov](mailto:D&C.Plans@ogs.ny.gov), or call 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By John D. Lewyckyj, Deputy Director  
OGS - Design & Construction Group

**EVALUATE/CORRECT  
STORM SEWER SYSTEM  
Hudson Correctional Facility  
Hudson, Columbia County**

Sealed bids for Project No. 45217-C, for Construction Work, Evaluate and Correct Storm Sewer System, Hudson Correctional Facility, East Court Street, Hudson (Columbia County), NY, will be received

by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, March 29, 2017, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$68,300 for C.

All successful bidders on a multiple trade project or the successful bidder on a single trade project will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$2,000,000 and \$3,000,000 for C.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 260 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on March 16, 2017 at OGS Field Office, 50 East Court Street, Hudson, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

Phone the office of Daniel MacCormack, (518) 822-1931 a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit.

It is the policy of the State and the Office of General Services to encourage meaningful minority- and women-owned business enterprise participation in this project by contractors, subcontractors and suppliers under the Contract, and all bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure

web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to [D&C.Plans@ogs.ny.gov](mailto:D&C.Plans@ogs.ny.gov), or call 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By John D. Lewyckyj, Deputy Director  
OGS - Design & Construction Group

**REPLACE  
HOT WATER HEATING SYSTEM**  
Department of Transportation Region 9  
Monticello, Sullivan County

Sealed bids for Project Nos. 45274-H, 45274-E, comprising separate contracts for HVAC Work and Electrical Work, Replace Hot Water Heating System, Vehicle Bays, DOT Region 9, 165 East Broadway, Monticello (Sullivan County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Transportation, until 2:00 p.m. on Wednesday, April 5, 2017, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$23,000 for H and \$6,800 for E.

All successful bidders on a multiple trade project or the successful bidder on a single trade project will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for H and between \$50,000 and \$100,000 for E.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 160 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:30 a.m. on March 24, 2017 at DOT Region 9, Sullivan County, 165 East Broadway, Monticello, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that

parking restrictions and security provisions will apply and all vehicles will be subject to search.

For assistance pertaining to the site visit only, please phone Sue VanAlstyne (845) 647-2477.

It is the policy of the State and the Office of General Services to encourage meaningful minority- and women-owned business enterprise participation in this project by contractors, subcontractors and suppliers under the Contract, and all bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for HVAC Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to [D&C.Plans@ogs.ny.gov](mailto:D&C.Plans@ogs.ny.gov), or call 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By John D. Lewyckyj, Deputy Director  
OGS - Design & Construction Group

**REPLACE  
ROOFS**  
Camp Smith Training Site  
Cortlandt Manor, Westchester County

Sealed bids for Project No. 45409-C, for Construction Work, Replace Roofs, Buildings 504 & 505, Camp Smith Training Site, 11 Bear Mountain Bridge Road, Cortlandt Manor (Westchester County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, April 5, 2017, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$54,400 for C.

All successful bidders on a multiple trade project or the successful bidder on a single trade project will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information



when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and completion of the Work must be within 177 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on March 23, 2017 at OGS Field Trailer, 11 Bear Mountain Bridge Road, Cortlandt Manor, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

For assistance pertaining to the site visit only, please phone Ida Colon (631) 951-0248 Ext. 102.

It is the policy of the State and the Office of General Services to encourage meaningful minority- and women-owned business enterprise participation in this project by contractors, subcontractors and suppliers under the Contract, and all bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to [D&C.Plans@ogs.ny.gov](mailto:D&C.Plans@ogs.ny.gov), or call 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By *John D. Lewycky*, Deputy Director  
OGS - Design & Construction Group

# NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

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## New York Homes and Community Renewal

Housing Trust Fund  
Hampton Plaza  
38-40 State St., 4th Fl. S  
Albany, NY 12207

NON-PROFIT CORPORATIONS, COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS (CHDO), PUBLIC HOUSING AUTHORITIES AND NOT-FOR-PROFIT SUBSIDIARIES, DEVELOPER-OWNERS WHOSE PROJECTS ARE LOCATED WITHIN NON-STATE FUNDED HOME PARTICIPATING JURISDICTIONS

### **New York State HOME Local Program, Small Rental Development Initiative (SRDI)**

The Housing Trust Fund Corporation's (HTFC) Office of Community Renewal (OCR) announces the availability of approximately \$15 Million of HOME Investment Partnership Program funds for the following "Specialty" Request for Proposal (RFP):

New York State HOME Local Program

Small Rental Development Initiative (SRDI)

#### **PROGRAM DESCRIPTION:**

The NYS Home Local Program (HOME Local) is a federally funded program administered by the OCR. The program is designed to fund a variety of residential housing activities to expand the supply of decent, safe, and affordable housing throughout the State of New York. The funds made available in this NOFA represent de-obligated and/or uncommitted prior years HOME funds designated for use by Developer-owners of small rental projects.

#### **ELIGIBLE APPLICANTS:**

Eligible Developer-owners are defined as:

1. Non-profit corporations incorporated under State Non-Profit Corporation Law
2. Community Housing Development Organizations (CHDO)
3. Public Housing Authorities and not-for profit subsidiaries
4. Applications are permitted from Developer-owners whose projects are located within non-state funded HOME Participating Jurisdictions.

#### **ELIGIBLE PROJECTS:**

Eligible projects include the rehabilitation of, the acquisition and rehabilitation of or the new construction of residential rental housing that is owned or will be owned and operated by the Developer-owner as HOME eligible rental housing for low-income households, throughout the required Period of Affordability (POA), typically 15 to 20 years.

The project may contain 2 to 25 units and be 1 or more buildings on a single site or multiple sites under common ownership, management and financing. Permanent and transitional housing, including group homes and SRO's are eligible.

#### **NON-ELIGIBLE PROJECTS:**

Shelters, temporary housing, Federal public housing units, projects that include State or Federal Low Income Housing Tax Credits as a financing source and properties that were previously financed with HOME and are under an active HOME regulatory agreement and POA.

#### **MAXIMUM AWARD AND PER UNIT AMOUNT:**

Developer-owners may apply for the amount of funds necessary for the acquisition and/or rehabilitation or new construction of a project containing 2 - 25 units to be owned and operated by the Developer-owner for low-income rental housing throughout the POA.

The maximum amount of HOME funds that can be invested per unit must be less than the HOME Maximum Subsidy limits as calculated by HUD and listed in the RFP. The minimum HOME investment in rental housing is \$1,000 times the number of HOME-assisted units.

Developer-owners must be able to utilize the amount of funding requested within the three year contract term and demonstrate financial stability of the project throughout the POA.

#### **MARKET NEED – LONG TERM AFFORDABILITY:**

Developer-owners must be able to demonstrate local market need for affordable rental units in the area where the project is located and the capacity to operate/manage the project according to HOME rental requirements throughout the POA.

#### **APPLICATION FOR FUNDING**

The NYS Home Local Program application for funds available through this NOFA and corresponding RFP will be available on the NYS Homes and Community Renewal website, [www.nysshr.org/Funding/](http://www.nysshr.org/Funding/), on Wednesday, March 15, 2017. Applicants have 8 weeks to complete the application. Applications are due no later than 3:00 PM (EST) on Wednesday, May 10, 2017. Applications must be submitted using the Community Development Online ApplicationSystem (CDOL) at: <http://www.nysshr.org/Apps/CDOnline/>.

The above-stated application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, applications received after the specified date and time will be deemed ineligible and will not be considered for funding. Applicants should make early submission of their applications to avoid risks of ineligibility resulting from unanticipated delays or other delivery-related problems.

#### **NEW YORK STATE GRANTS GATEWAY PREQUALIFICATION**

New York State Grants Gateway is a statewide effort that will improve the way New York State administers grants by simplifying and streamlining the grants management process. Effective August 1, 2013, not-for-profit organizations must be prequalified in order to do business with New York State. To prequalify, not-for-profit organizations must submit an online Prequalification Application through the Grants Gateway. The Prequalification Application is comprised of five components to gauge your organizational structure and the types of services you provide. The required forms and document uploads are all part of the Grants Gateway Document Vault. Resources to complete the application and associated document vault can be found in the Quick Links Section of the Grants Gateway page at <http://grantsreform.ny.gov/>.

#### **CONTACT INFORMATION**

*For inquiries or technical assistance regarding the NYS HOME Local Program, please contact: Ann M. Petersen, Director, NYS HOME Program, Homes and Community Renewal, Office of Community Renewal, at the above address, or call (518) 474-2057*





# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

## PUBLIC NOTICE

### Department of State

A meeting of the New York State Board of Real Estate Appraisal will be held on May 4, 2017 at 10:30 a.m. at the Department of State, 99 Washington Ave., Rm. 505, Albany; 65 Court St., Rm. 208, Buffalo; and 123 William St., Rm. 231, New York City.

*Should you wish to attend or require further information, please contact:* Sharon Charland, Board Coordinator, at [sharon.charland@dos.ny.gov](mailto:sharon.charland@dos.ny.gov) or (518) 473-2733

## PUBLIC NOTICE

### Uniform Code Regional Boards of Review

Pursuant to 19 NYCRR 1205, the petitions below have been received by the Department of State for action by the Uniform Code Regional Boards of Review. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen, Building Standards And Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2015-0619 Matter of: Anthony Popolizio, 2183 Foxhill Drive, Niskayuna, NY 12020. The petitioner requests a variance for his home located at 10 Washington, Schenectady, NY 12305, to allow an existing boiler room to remain without a fire separation as required by the Multiple Residence Law.

2015-0644 Matter of: Laticia Ajodah, 207-20, 48 Avenue, Oakland Gardens, NY 11364. The petitioner requests a variance for her home located at 1035 Dean Street, Schenectady, NY 12305, to allow an existing boiler room to remain without a fire separation as required by the Multiple Residence Law.

2016-0412 Matter of: Saratoga County Airport, Ballston Spa, NY, Attn: William H Smart, William H Smart Engineering PLLC, Eight

Greystone Drive, Voorheesville, NY 12186. The petitioner requests a variance to allow the modification of an existing hanger without installation of a fire sprinkler system as required by Section 914.8.2 of the Fire Code of NYS.

2017-0018 Matter of Antrim Enterprises, LLC, 30 Kirby Lane, Rye, NY 10580, c/o of Adam D. Richter, TY Lin International, 255 East Avenue, Rochester, NY 14604 for a variance concerning elevator requirements, including ambulance stretcher access, in a building located at 89 Highland Avenue, Town of Roscoe, County of Sullivan, State of New York.

2017-0040 Matter of Pamela L. Bender, 303 East Genesee Street, Fayetteville, NY 13066 for a variance concerning fire safety and building code requirements including a variance to allow a third floor transient bedroom in a bed and breakfast occupancy.

Involved is the conversion of an historic one-family dwelling to include a bed and breakfast occupancy, located at 303 East Genesee Street, Village of Fayetteville, Onondaga County, New York.

2017-0046 Matter of: Jane and Brandon McDermott, 169 Carrolls Grove Road, Troy, NY 12180. The petitioner requests a variance to allow the construction of an A2 occupancy without the installation of a fire sprinkler system as required by Section 903.2.1 of the Building Code of NYS.

2017-0054 Matter of: Prime Sherwood LLC, 621 Columbia Street, Cohoes, NY 12180. Attn: Scott Mackenzie, Mackenzie Architects PC, 162 Battery Street, Burlington, VT 05401. The petitioner requests a variance to allow the construction of R2 occupancies, located at 180 Continental Avenue, Cohoes, NY 12180, with a combined live and dead floor load of 40 pounds per square foot, contrary to the requirements of Sections 1602.1 and 1607.5 of the Building Code of NYS.

2017-0055 Matter of: South Glens Falls Central School District, Six Bluebird Road, South Glens Falls, NY 12803. Attn: Gregory Klokiw, CS Arch Architects, 40 Beaver Street, Albany, NY 12207. The petitioner requests a variance to allow the construction of a bus repair and storage facility at 72-74 Harrison Avenue, South Glens Falls, NY, without the installation of a fire sprinkler system as required by Sections 903.2.9.1 and 903.2.10.1 of the Building Code of NYS.

2017-0062 Matter of Morgan Communities, c/o SWBR Architects, 387 East Main Street, Rochester, NY 14604. The property is located at Latta Road, Town of Greece (Monroe County). The petitioner requests a variance the 2010 Building Code of NYS Code reference 706.5 Continuity (framing penetrations through fire barrier).

2017-0063 Matter of Waterford Townhouses, LLC, c/o Mr Paul Bliss, 8610 Transit Road, Suite 200, East Amherst, NY 14051. The petitioner is Sutton Architecture. The location of the property is at Roll Road, Clarence (Erie County). The petitioner requests a variance from 2010 NYS Residential Code reference 317.2 Townhouses (for attached multifamily units pertaining to fire-resistance wall assemblies to allow utilities that will service the attached units to be interconnected. The petitioner requests a variance from the 2010 NYS Building Code reference 903.2.7 (a variance from the requirement that an apartment above the community room space include a sprinkler system).

2017-0064 Matter of Lane Street Builders, LLC, 13 Hayes Court, #101, Monroe, NY 10950 for a variance concerning fire safety requirement, including aerial apparatus access road, in a building located at 12 Lane Street, Town of Ramapo, County of Rockland, State of New York.

